



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

POLICY	
Department on Disability Services	Subject: Eligibility
Responsible Program or Office: Rehabilitation Services Administration	Policy Number: 2019-RSA-POL002
Date of Approval by the Director: 02/15/2019	Number of Pages: 10
Effective Date: 02/25/2019	Expiration Date, if Any:
Supersedes Policy Dated: Section III Policy Manual (2014), Eligibility and Ineligibility Determination	
Cross References, Related Policies and Procedures, and Related Documents: The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) enacted on July 22, 2014; 34 C.F.R. Part 361; Case Closure Policy; Due Process Policy; Order of Selection Policy; Informed Choice Policy; Eligibility Determination Extension Standard Operating Procedure (SOP); and Trial Work SOP.	

I. PURPOSE

The purpose of this policy is to provide guidance and establish standards for assessing and determining the eligibility of persons who have applied to receive services through the District of Columbia Rehabilitation Services Administration (DCRSA or Agency).

II. APPLICABILITY

This policy applies to Vocational Rehabilitation (VR) Specialists, supervisors, administrators, and people who have submitted an application for DCRSA services.

III. AUTHORITY

The authority for this policy is established in DDS as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Code §§ 7-761.01 *et seq.*), Establishment of the Rehabilitation Services Program (D.C. Code §§ 32-331 *et seq.*), 29 DCMR §§ 100 *et seq.*, and 34 C.F.R. Part 361.

IV. POLICY

A. Eligibility Requirements



It is the policy of DCRSA to determine eligibility for VR services in a timely manner using requirements established in 34 C.F.R. Part 361.42 and adopted within.

1. Basic requirements

- a. DCRSA's determination of an applicant's eligibility for VR services shall be based only on the following basic requirements:
 1. A determination by qualified personnel that the applicant has a physical or mental impairment;
 2. A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant;
 3. A determination by a qualified VR specialist employed by DCRSA that the applicant requires VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the person's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice. For purposes of an assessment for determining eligibility and VR needs under this part, a person is presumed to have a goal of an employment outcome; and
 4. A presumption that the applicant can benefit in terms of an employment outcome from the provision of VR services. The applicant's completion of the application process for VR services is sufficient evidence of the person's intent to achieve an employment outcome
- b. VR specialists shall ensure that applicants understand that the purpose of VR services is to maximize the potential of persons with disabilities, including those with the most significant disabilities, to achieve a competitive integrated employment outcome. Non-competitive, non-integrated or sheltered employment is not an allowable employment outcome for VR.
- c. In determining eligibility, the Agency shall not require the applicant to demonstrate a presence in the District through the production of any documentation that would impose a duration of residence requirement.

2. Presumption of eligibility for Social Security recipients and beneficiaries

- a. Any applicant who has been determined eligible for Social Security benefits under title II or title XVI of the Social Security Act is:



1. Presumed eligible for VR services; and
 2. Considered an individual with a significant disability as defined in 34 C.F.R. § 361.5(c)(29).
- b. If an applicant for VR services asserts that he or she is eligible for Social Security benefits under title II or title XVI of the Social Security Act (and, therefore, is presumed eligible for VR services), but is unable to provide appropriate evidence, such as a current award letter, to support that assertion, DCRSA shall verify the applicant's eligibility contacting the Social Security Administration. This verification shall be made within a reasonable period of time that enables the Agency to determine the applicant's eligibility for VR services within 60 days of the person submitting an application for services in accordance with 34 C.F.R. § 361.41(b)(2).
- 3. Intent to achieve an employment outcome** - Any eligible person, including a person whose eligibility for VR services is based on the person being eligible for Social Security benefits under title II or title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. DCRSA shall inform persons, through application process, that persons who receive services under the program must intend to achieve an employment outcome.
- 4. Interim Determination of Eligibility** - DCRSA may initiate the provision of VR services for an applicant on the basis of an interim determination of eligibility.
- a. When making an interim determination of eligibility, DCRSA shall:
1. Obtain a written approval from the Deputy Director of DCRSA or his or her designee;
 2. Document in the person's records the criteria and conditions for making the determination; and
 3. Document in the person's records the scope of services that may be provided pending the final determination of eligibility.
- b. When providing services based on an interim determination of eligibility, the Rehabilitation Services Administration shall make a final determination of eligibility within sixty (60) days of the person submitting an application for services.



B. Review and assessment of data for eligibility determination

With the exception of trial work experience discussed below in paragraph C, DCRSA shall base its determination of each of the basic eligibility requirements on:

1. A review and assessment of existing data, including VR specialist observations, education records, information provided by the person or the person's family, particularly information used by education officials, and determinations made by officials of other agencies; and
2. To the extent existing data does not describe the current functioning of the person or is unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of VR services, including trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether an individual is eligible shall be reviewed to make an eligibility determination.

C. Trial work experiences for individuals with significant disabilities

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

To this end, DCRSA shall develop an individualized written plan to periodically assess the person's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experiences, which shall be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the person. Trial work may only be used upon approval of the DDS Deputy Director for DCRSA or his or her designee. Trial work experiences shall:

1. Include supported employment, on-the-job training, and other experiences using realistic integrated work settings; and
2. Be of sufficient variety and over a sufficient period of time for the Agency to determine that:
 - a. There is sufficient evidence to conclude that the person can benefit from the provision of VR services in terms of an employment outcome; or



- b. There is clear and convincing evidence that due to the severity of the person's disability, the person is incapable of benefitting from the provision of VR services in terms of an employment outcome; and
3. Provide appropriate supports including, but not limited to, assistive technology devices and services and personal assistance serves, to accommodate the rehabilitation needs of the person during the work experiences.

D. Priority of Service Under Order of Selection

1. Order of Selection-

In the event that DCRSA determines that sufficient resources are not available to provide VR services to all eligible persons, the Agency shall institute an Order of Selection (see Order of Selection Policy), and prioritize services to eligible persons according to the severity of disability.

2. Significance of disability categories-

- a. In accordance with the Order of Selection Policy, the VR specialists shall assign all eligible persons to one of the following three priority categories based on the severity of disability:
 1. Person with most significant disability (Category I);
 2. Person with a significant disability (Category 2), and;
 3. Person with a non-significant disability (Category 3).
- b. DCRSA shall notify all eligible persons in writing of their assignment to a priority category and their right to appeal the category assignment (See Due Process Policy).

E. Ineligibility Determination

If DCRSA determines that an applicant is ineligible for VR services or determines that a person receiving services under an IPE is no longer eligible for services, the Agency shall:

1. Make the determination only after providing an opportunity for full consultation with the person or, as appropriate, with the person's representative;
2. Inform the person in writing, supplemented as necessary by other appropriate



modes of communication consistent with the needs of the person, of the ineligibility determination, including the reasons for that determination, the requirements for eligibility, and the means by which the person may express and seek remedy for any dissatisfaction, including the procedures for administrative review of determinations in accordance with 34 C.F.R. § 361.57. Additionally, the person shall be provided with a written description of services available from the District's Client Assistance Program and information on how to contact that program (See Due Process Policy).

3. Refer the person-
 - a. To other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act of 2014 that can address the person's training or employment-related needs; or
 - b. 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 person has chosen not to pursue, or is incapable of achieving, an employment outcome as defined in 34 C.F.R. § 361.5(c)(15).
4. Review within 12 months and annually thereafter if requested by the person or, if appropriate, by the person's representative any ineligibility determination that is based on a finding that the person is incapable of achieving an employment outcome. This review need not be conducted in situations in which the person has refused it, the person is no longer present in the State, the individual's whereabouts are unknown, or the person's medical condition is rapidly progressive or terminal.

V. RESPONSIBILITY

The responsibility for this policy is vested in the DDS Director. Implementation of this policy is the responsibility of the Deputy Director of DCRSA.

VI. STANDARDS

A. Eligibility Requirements

1. Eligibility requirements shall be applied without regard to race, sex, age, color, religion, national origin, type of disability, gender identity or expression, sexual orientation, political affiliation, marital status, family responsibilities, personal appearance, genetic information, matriculation, or credit information.



2. DCRSA shall provide services to all eligible persons who are present and available in the District of Columbia. People are considered present in D.C. if they are available to receive services. DCRSA does not impose any duration of residence requirement; however a person must live in the District to receive services.
3. Students who are present in D.C. for the sole purpose of obtaining a post-secondary education have established a presence in the District and may be eligible for services not already provided for in an IPE in the home state.
4. Once a person has submitted an application for VR services, including applications made through common intake procedures in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act, an eligibility determination must be made within 60 days, unless:
 - a. Exceptional and unforeseen circumstances beyond the control of DCRSA preclude making an eligibility determination within 60 days and DCRSA and the person agree to a specific extension of time (see Eligibility Determination Extension SOP); or
 - b. An exploration of the person's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with 34 C.F.R. § 361.42(e) (see Trial Work SOP).
5. A person is considered to have submitted an application when the person or the person's representative, as appropriate:
 - a. Has completed and signed a DCRSA application form; or has completed a common intake application form in a one-stop requesting VR services; or has otherwise requested service from DCRSA;
 - a. Has provided DCRSA with information necessary to initiate an assessment to determine eligibility for services; and
 - b. Is available to complete the assessment process.
6. DCRSA will determine eligibility without regard to the following:
 - a. Type of expected employment outcome;
 - b. Source of referral for VR services;



- c. Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;
 - d. Applicants' employment history or current employment status; and
 - e. Applicants' educational status or current educational credential.
5. Eligibility Determination Extensions
- a. Extensions of eligibility determination shall be justified in the case record and a request for extension must be submitted and approved in accordance with the Eligibility Determination Extension SOP.
 - b. The VR Specialist may request an extension of eligibility determination if, due to exceptional and unforeseen circumstances beyond the control of the Agency, there is not enough information about the person's disability(ies) and/or its impact on the person's capacity for employment and eligibility cannot be determined within 60 days of application.
- B. Review and assessment of data for eligibility determination
- 1. After discussion with the applicant, review of self-reported information on the application, and thorough review and analysis of other existing information, the VR specialist shall consider whether additional assessment information is required, and if so, which kind of assessment will best answer remaining questions about the person's eligibility. Choices in assessments and providers shall be presented to the applicant, as appropriate in accordance with the Informed Choice Policy.
 - 2. VR specialists shall request supervisory consultation, as needed, if there are questions about whether formal assessments are needed, the specific questions to be answered, and the type of assessment that is most appropriate. Consideration may be given to the following types of assessment for eligibility:
 - a. General Medical Evaluation – General medical evaluation should be considered when existing information does not describe person's impairment and impediment to employment and they are likely to be sufficiently documented in a general medical evaluation.
 - b. Medical Specialty Evaluations – Referral for medical specialty evaluations, such as orthopedic assessment, ophthalmologic assessment, or medical/functional evaluation, shall be considered when current information about the person's disability is not available and there are specific questions



about (1) whether a reported impairment constitutes an impediment to employment, and (2) the impact on life functions (priority).

- c. Psychological Assessment – Referral for psychological evaluation should be considered when current information about the person's disability is not available and there are specific questions about (1) whether a reported mental impairment constitutes an impediment to employment, and (2) the impact on life functions (priority).
- d. Neuropsychological Evaluation – Referral for neuropsychological evaluation should be conducted on an exception basis and be considered for persons when current (within the last 12 months) information from treating sources is not available, when there are questions about (1) whether a reported impairment constitutes an impediment to employment, and (2) the impact on life functions (priority). It may also be considered if there are questions about the severity and impact on employment. Such assessment may be appropriate for persons with a history of head injury and other neurological impairment. Referral requires approval of the supervisor and program director.

C. Trial work experiences for people with significant disabilities.

- 1. Trial work experiences shall be provided for the sole purpose of determining eligibility and the nature and scope of needed VR services.
- 2. Trial work experiences are appropriate only for applicants determined to have a significant or most significant disability.
- 3. Progress in trial work experiences shall be assessed as often as needed, but no less than every 90 days. Trial work experiences shall be terminated at any point at which the VR specialist determines that there is sufficient evidence that the individual can benefit from services and is therefore eligible or that there is clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of an employment outcome, and is therefore ineligible.
- 4. Results of trial work provide supporting information in the event that a determination is made that the individual cannot benefit in terms of an employment outcome because of the severity of the disability and is, therefore, ineligible for services.

D. Priority of Service

- 1. In accordance with the Order of Selection Policy, the VR Specialist will assign each person to a priority categories based upon:



- a. The person's functional capacities;
 - b. Services needed to reduce the impact of disability-related limitations; and
 - c. Duration of rehabilitation services required for the individual to achieve an employment outcome.
2. DCRSA shall provide written notification of the priority categories in the Order of Selection, their assignment to a particular category, their right to appeal the category assignment, and a description of the District's Client Assistance Program and information on how to contact that program.

E. Ineligibility Determination

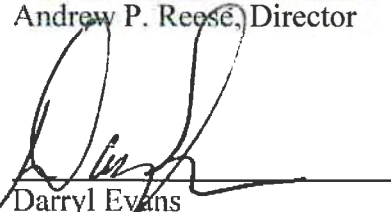
1. A person may be determined to be ineligible for VR services at any time following application for reasons unrelated to the severity of disability (see Case Closure Policy).
2. An ineligibility determination due to the severity of disability shall only be made following the provision of a trial work experience to fully assess the person's abilities, capabilities, and capacity to perform in realistic work setting, and ineligibility closures shall be based upon clear and convincing evidence that the individual cannot benefit from VR services due to the severity of disability.
3. A person's case shall not be closed for reason of an ineligibility determination due to the severity of disability without supervisory approval.



Andrew P. Reese, Director

2/15/19

Date



Darryl Evans
Deputy Director, DCRSA

2/12/19

Date