

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 582  
DEPARTMENT OF HUMAN SERVICES  
VOCATIONAL REHABILITATION SERVICES

**FILED**  
11/29/2023 10:10 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Update OAR 582 Division 150 Transition Service & Coordination for Students & Youth with Disabilities

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/31/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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ODHS - Vocational Rehabilitation  
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Salem,OR 97301

Filed By:  
Robin Brandt  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 01/10/2024

TIME: 10:00 AM - 11:00 AM

OFFICER: Robin Brandt

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 1617552659

SPECIAL INSTRUCTIONS:

CART (streaming text) and ASL Interpreter provided.

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1617552659?pwd=a3U4cjFTNENKMG1aNmR5R3ZicWdiQT09>

Meeting ID: 161 755 2659

Passcode: 185803

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One tap mobile

+16692545252,,1617552659#,,,,\*185803# US (San Jose)

+16468287666,,1617552659#,,,,\*185803# US (New York)

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Dial by your location

- +1 669 254 5252 US (San Jose)
- +1 646 828 7666 US (New York)

Meeting ID: 161 755 2659

Passcode: 185803

Find your local number: <https://www.zoomgov.com/u/ae8O1neXw>

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Join by SIP

- 1617552659@sip.zoomgov.com

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Join by H.323

- 161.199.138.10 (US West)
- 161.199.136.10 (US East)

Meeting ID: 161 755 2659

Passcode: 185803

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DATE: 01/15/2024

TIME: 3:30 PM - 4:30 PM

OFFICER: Robin Brandt

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 1608181559

SPECIAL INSTRUCTIONS:

CART (streaming text) and ASL Interpreter provided.

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1608181559?pwd=ODJMMllsYUk1ODJNdG1VZXdCa3dsdz09>

Meeting ID: 160 818 1559

Passcode: 330517

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One tap mobile

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- +16468287666,,1608181559#,,,,\*330517# US (New York)

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Dial by your location

- +1 669 254 5252 US (San Jose)
- +1 646 828 7666 US (New York)

Meeting ID: 160 818 1559

Passcode: 330517

Find your local number: <https://www.zoomgov.com/u/acER63BbMD>

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Join by SIP

- 1608181559@sip.zoomgov.com

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Join by H.323

- 161.199.138.10 (US West)
- 161.199.136.10 (US East)

Meeting ID: 160 818 1559

Passcode: 330517

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DATE: 01/19/2024

TIME: 12:00 PM - 1:00 PM

OFFICER: Robin Brandt

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 1614497621

SPECIAL INSTRUCTIONS:

CART (streaming text) and ASL Interpreter provided.

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1614497621?pwd=NzNJTkpzbXYybjNCcGlyVmVSSzFmdz09>

Meeting ID: 161 449 7621

Passcode: 274647

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One tap mobile

- +16692545252,,1614497621#,,,,\*274647# US (San Jose)
- +16468287666,,1614497621#,,,,\*274647# US (New York)

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Dial by your location

- +1 669 254 5252 US (San Jose)
- +1 646 828 7666 US (New York)

Meeting ID: 161 449 7621

Passcode: 274647

Find your local number: <https://www.zoomgov.com/join/1614497621>

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Join by SIP

- 1614497621@sip.zoomgov.com

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Join by H.323

- 161.199.138.10 (US West)
- 161.199.136.10 (US East)

Meeting ID: 161 449 7621

Passcode: 274647

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#### NEED FOR THE RULE(S)

The purpose of Oregon Vocational Rehabilitation is to assist individuals with barriers to employment related to a disability to find, secure, maintain employment, and advance in their careers. Vocational Rehabilitation reviews and amends rules to meet state and federal requirements for the program. The rules are amended to provide better understanding of the rule content. The rule is also reviewed to examine alignment with Oregon Department of Human Services values regarding diversity, equity and inclusion.

Vocational Rehabilitation was monitored by the federal funding agency in 2022. New, clarifying Notice of Intent and other technical assistance documents were released in 2022 further detailing expectations for youth services. This monitoring and release of documents requires updates and amendment of the rules related to vocational rehabilitation youth services.

Specifically, this set of rules (Division 150) is amended to:

- Describe the rate setting for contracted services provided to students and youth with disabilities.
- Strengthen language committing to statewide pre-employment transition services for all students with disabilities.
- Clarify services for students with disabilities who are potentially eligible.
- Explain services available for youth and students with disabilities eligible for general vocational rehabilitation services provided in an individualized plan for employment.
- Clarify transition services to groups of students with disabilities and youth with disabilities who may not have yet applied for vocational rehabilitation services.
- Describe VR required information and records required for students to participate in pre-employment transition services.
- Explain the set aside of federal funds to benefit students and youth with disabilities, its purpose and how services are documented.
- Move definitions to this Division that are specific to youth services. New terms for youth vocational rehabilitation services are added.

- Clarify the rule contents generally, review grammar and expand the use of plain language.
- Review and update legal references and names of forms and organizations, as needed.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Department of Education, OSERS, Rehabilitation Services Administration (RSA). Monitoring and Technical Assistance - Oregon - general (2022). <https://rsa.ed.gov/sites/default/files/publications/fy2022-or-g.pdf>

Department of Education, OSERS, RSA publication of the final notification of interpretation (NOI) regarding the use of Federal Vocational Rehabilitation (VR) funds reserved for pre-employment transition services (3/21/2022)  
<https://www.federalregister.gov/documents/2022/03/21/2022-05940/state-vocational-rehabilitation-services-program>

Workforce Innovation and Opportunity Act (WIOA) Final Rules  
<https://www.dol.gov/agencies/eta/wioa/regulations>

Workforce Innovation and Opportunity Act of 2014 (WIOA)  
<https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Code of Federal Regulations (Title 34, Subtitle B, Chapter III, Part 361  
<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361?toc=1>

Oregon Administrative Rules (OARs)  
<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=92>

Oregon Revised Statutes (ORS)  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors344.html](https://www.oregonlegislature.gov/bills_laws/ors/ors344.html)

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#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

##### 1. What does the policy/ rule/ work aim to accomplish?

The rule is amended or updated to describe and clarify Oregon Vocational Rehabilitation (Program) services for students and youth disabilities. New rules have been added to provide a general need (purpose) for the rules, the reserve of federal funds for these services and how the monies may be spent and documented. Finally, a transparent but general description of rate setting is provided for student and youth with disabilities services.

Specifically, the changes include:

- New rules have been added to provide a general need (purpose) for the rules,
- A description of a federal funds reserved for the purpose of providing these services and
- How the monies in the reserve fund may be spent and documented.
- Updating and adding definitions that are specific to serving these populations with vocational rehabilitation services.
- Finally, a transparent but general description of rate setting is provided for student and youth with disabilities services.

These modifications create a foundation for Program youth services. They also support changes required by the federal funding agency and bring the Program in alignment with other federal requirements.

##### 2. Which specific communities are affected by the policy/ rule/ work initiative?

Overall, these rules are specific to vocational rehabilitation services for students with disabilities in secondary and less

often post-secondary education and youth who are out of school and have not graduated and other youth who have graduated and no longer in school. Typically, these individuals are aged about 14 to no older than 25 years old. The model of service for students with disabilities must change given directives by the federal funding agency. There is uncertainty about the developing model of service to this population.

These factors were discussed.

Are the services available to:

- Students or youth who are no longer engaged in high school but have not graduated? Young adults who are disengaged from school services or “non students who are youth aged.”
- Students or youth who are not majority age, homeless and may be waiting for a parent or guardian to sign releases or required forms so the youth can participate in the program? The rules do not allow students or youth with disabilities the ability to sign for services themselves.
- Alternatives like referral to Child Welfare for services or pursuit of emancipated minor were not seen as favorable.

Does language need to be added specifically about serving individuals with mental health issues?

- Persons with intellectual and developmental delays were named in the document.
- Do other underserved populations need to be named?
- This might include persons with traumatic brain injury or other identified populations with disabilities in this age group.

The rules do not specify that the services can be provided virtually.

- This would be important to students who live in rural areas or who are traveling.
- This is beneficial for students and youths with some types of disabilities.

How big is a “group” of students?

- What if a group is defined as five students and the teacher has ten students who would benefit from the services as a group?

How well will individuals in rural areas be served by these rules?

- These rules will place more emphasis on vocational rehabilitation counselors to provide pre-employment transition services to students and youth with disabilities.
- Some parts of the state are very large, with widely dispersed populations. It is anticipated that the small number of vocational rehabilitation counselors who are already working hard to cover these areas will not be able to perform these additional services.
- Some Tribal vocational rehabilitation programs (which are funded by competitive grants from the federal funding agency) do not provide pre-employment transition services. Will the Program be able to serve Tribal students and youth with disabilities adequately?

Reviewers said they wanted to “see the definition of disability for youth services to be expansive and not restrictive

- Like the Rehabilitation Act 504 language and
- Federal form CC 305 Voluntary Self-Identification of Disability that defines disability status at the federal level from the perspective of the person signing the form.

3. Describe how the policy/ rule/ initiative meets the needs of consumers representing diverse backgrounds.

Historically young adults with disabilities face many challenges as they transition to adulthood. Compared to their peers without disabilities, students with disabilities are less likely to graduate from high school. They are more likely to enroll in community colleges or short-term vocational programs. They are less likely to enroll in four-year colleges or universities. They are more likely to be unemployed or employed in low-wage, part-time jobs.

Pre-employment transition services (Pre-ETS) are the earliest set of services in the continuum of available vocational rehabilitation services that can lead to high expectations for rewarding future careers and self-sufficiency. That is the purpose of establishing vocational rehabilitation services specific to students and youth with disabilities.

It is well documented that persons with disabilities continue to be unemployed at greater rates and employed at lesser rates than persons without disabilities. When race or ethnicity and gender are also considered, the unemployment rate

further increases, and the employment rate further decreases for women and for those who do not identify as white. (See Department of Labor, Office of Disability Employment Policy. Spotlight on Women with Disabilities. March 2021. <https://www.dol.gov/sites/dolgov/files/ODEP/pdf/Spotlight-on-Women-with-Disabilities-March-2021.pdf>)

Federal reports on the national success of vocational rehabilitation services are rarely broken down by all multiple demographic factors. A 1993 GAO report noted that race and ethnicity mattered. "... RSA data did not allow GAO to reach conclusions, but GAO did find that states purchased more services for clients with physical than with mental disabilities, more for clients with severe than with non-severe disabilities, and more for white clients than for black, Hispanic, or American Indian clients." These results did not include examination by closure because the person could not be contacted or located. (See United States Government Accountability Office. Vocational Rehabilitation. Evidence for Federal Program's Effectiveness Is Mixed. August 1993. <https://www.gao.gov/assets/pemd-93-19.pdf>) Persons who were not white did not fare as well as those who were. A report in 2005 examined success and exit from the program by the population's type of disability but omitted other factors. About 24% of the individuals were closed from service because could not located or contacted. Additional demographic data about clients closed in this category was not included in that report. (See United States Government Accountability Office. Vocational Rehabilitation: Better Measures and Monitoring Could Improve the Performance of the VR Program. September 2005. <https://files.eric.ed.gov/fulltext/ED486044.pdf>)

Oregon Vocational Rehabilitation does not have current data available on the exit type or exit type by demographics of the individuals with disabilities leave the program and their cases are closed. Tracking and reporting the success of these students and youth with disabilities receiving these services is a need.

The reviewers felt that the rules were written in a way that were inclusive of and recognized intersection among many populations that are a priority for service to equal the playing field.

4. What are the potential unintentional consequences or social, political, emotional, economic, and other impacts of the policy/ rule/ initiative on the groups identified? Does the policy/ rule/ initiative ignore or worsen existing disparities? How could adverse impacts be minimized?

The potential unintentional consequences or social, political, emotional, economic, and other impacts of the rule should consider the previous responses about populations negatively impact by this rule.

Certain populations have history of lacking access to government services. People from communities of color may become accustomed to losing access to services in their past. These populations may be more likely to respond negatively to being presented a notice of proposed action that discusses case closure. They may not respond and be "left behind." Some of the individuals mentioned above may have problems responding or be physically or socially isolated and find it difficult to communicate. These groups include:

- Persons who are cognitively disabled, have developmental disabilities, ADHD all have issues tracking time and consistently communicating about the issues.
- Disproportionately people engaged with the criminal justice system, people who are homeless, people involved in domestic violence, people whose housing is unstable or in low-income housing may have issues staying in touch with the program and these communications. They move around often.
- Persons who lives in more distant rural areas
- Persons with mental health issues
- Persons who are Deaf and use American Sign Language as their primary language or form of communication and
- Tribal members

As was noted, students and youth are at even more of a disadvantage as they cannot always transport themselves independently over great distances to get services. They may be unable to sign up for services if they cannot find a parent or guardian to sign for them – and consequently must wait for services.

Individuals in these groups may have less access to internet or phone to communicate quickly with Oregon Vocational

Rehabilitation. This is echoed in recent national reports on the need for digital access, persons with disabilities and others.

Individuals engaged with the education system who are preparing for work are noted in the US Department of Education (2022) report.

“The lack of reliable, high-speed broadband connection is especially detrimental for justice-involved learners (learners who have interacted with the criminal justice system or who were incarcerated and are reintegrating into their communities), learners who are immigrants or refugees, and learners who have disabilities.” (page 21 or 4/24)

“Limited data and bandwidth can also pose particular barriers for learners with disabilities. For example, learners with dyslexia, blindness, cerebral palsy, and other reading barriers, who typically utilize online resources to read accessible books and supplemental educational materials at school, lose access to the digital books they depend on for learning without adequate data or bandwidth at home. Additional barriers exist for learners who are deaf or hard of hearing who need to simultaneously stream videos of virtual instruction alongside interpreters, requiring smooth, reliable video transmissions to understand the lesson and fully participate.” (page 22 or 5/24)

Limited or lack of ownership of personal devices capable of running learning programs for persons with disabilities is also reported as important issues. While school sometimes provides devices, the devices may not follow the individuals home for use.

See:

- US Department of Labor, Office of Disability Employment and Policy. Disability and the Digital Divide: Internet Subscriptions, Internet Use and Employment Outcomes. June 2022.

<https://www.dol.gov/sites/dolgov/files/ODEP/pdf/disability-digital-divide-brief.pdf>

- US Department of Education, Office of Educational Technology. Advancing Digital Equity for All: Community Based Recommendations for Developing Effective Digital Equity Plans to Close the Digital Divide and Enable Technology Empowered Learning. September 2022. [https://tech.ed.gov/files/2022/09/DEER-Resource-Guide\\_FINAL.pdf](https://tech.ed.gov/files/2022/09/DEER-Resource-Guide_FINAL.pdf)

Oregon Vocational Rehabilitation staff are actively dedicating time to improving these resources and addressing these issues.

Mitigation is important to reduce adverse impacts of the change in the rule.

The program should consider how the adverse impacts be overcome. The Program is working to improve:

- Continue to update the publicly available policy manual with more specific information about services to students and youth with disabilities. Train about the continuum of services that begin with youth and help them successfully navigate services to gaining competitive integrated employment.

- Implement and conduct wider outreach about this program, especially service providers who work with these populations that are disproportionately impacted

- o Have the rules advisory committee review an outreach and communication plan for this process

- o Outreach and education about this process and promote in the community

- o Share the policy broadly to assure it is applied equitably.

- Data tracking. The program needs to examine demographics for this population. The reports should examine whether this set of rules creates a disproportionate impact on any group or intersections of groups. Reviewing the data in a thoughtful and purposeful manner assures that this rule does not unintentionally impact a certain group for various types of exit from the program or case closure.

5. How does the policy/ rule/ initiative reflect ODHS equity goals concerning Diversity and Inclusion and Service Equity?

Overall, the rules advisory committee reported that they felt the rules were inclusive and reflected an understanding of



the intersectionality of serving students and youth with disabilities.

6. Given the potentially impacted populations you identified, will the policy /rule be available in other languages? If so, which languages? If not, describe your rationale not offering the policy/rule in different languages.

Vocational Rehabilitation is very aware of the need to translate this information and any forms or related materials about this process into other languages. This will be a process. The program is involved in testing a new system to make requests for and receive documents translations into other languages other than English more quickly. It has been suggested that documents be translated into the five most often used languages in the state initially.

Information will be added to the Vocational Rehabilitation website to alert people to ask for documents in the language of their preference.

Provide information for persons who are Deaf or Hard of Hearing and use American Sign Language is also a consideration. Videos explaining processes and files would increase the equity of access. Having a person who is Deaf might be more appropriate sharing the information in videos than a Sign Language Interpreter.

Translating any materials that communicate about youth services should also be sent in the language of the individual served and impacted.

7. Describe your plan for communicating the new, or modified policy/ rule/ initiative to potentially impacted communities.

Typically rules changes are shared in a variety of ways:

- The public facing website for Vocational Rehabilitation policy notes the change in rules
- Notification about the potential change is shared to persons who self-identify as wanting to receive notification about changes to policy, procedure, and rules before the change takes place and they are invited to the public hearings. That listing remains open for people to add their name and email all the time.
- Changes are made on the public facing dispute resolution website
- Information is shared with all state legislators about the changes
- Information is shared with media by the ODHS Communications staff and a news release is placed on the ODHS website with news releases
- Rules changes are discussed with the Office of Developmental Disabilities, Employment First staff and with their stakeholders at regularly scheduled meetings.
- Draft rules and a discussion of the upcoming changes have been shared with the ODHS Office of Tribal Affairs and the Oregon Tribal Vocational Rehabilitation programs when in development.
- Draft rules were shared with other ODHS and OHA programs that serve students and youth with disabilities for comment in advance of releasing them to the public. This included Office of Developmental Disabilities, Self Sufficiency program for youth who are homeless or houseless, Child Welfare foster care for young adults, and Behavioral Health program staff in OHA.

Other ideas about expanding communications include:

- Provide additional communication about the changes to the Oregon Vocational Rehabilitation youth services as they occur.
- Continue outreach to other programs that jointly serve with Vocational Rehabilitation. For example, the case managers that work with ODDS clients be knowledgeable about youth services and referral. Vocational Rehabilitation could request that other programs share the information further or add it to training that they do about services to persons with disabilities.

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#### FISCAL AND ECONOMIC IMPACT:

The Vocational Rehabilitation program was monitored by the federal funding agency. Services to students and youth with disabilities must change the way services are delivered and paid. Responsibility for the program must be

maintained within the program. Rates for services must be established and documented. This is a disruption to the services as they were provided in the past. However, funding for the program would be jeopardized without these changes.

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**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

\* Vocational Rehabilitation has brought responsibility for the program into the state agency and added additional staff to perform services and monitoring for contracted services. More responsibility for providing these services may fall on the vocational rehabilitation counselors with the change in service model.

\* Some smaller schools that provided youth services in the past to students have determined that they will no longer contract with the Program to provide services (about seven schools).

\* Contracts for youth services may be available to private and public organizations and private individuals to provide youth services.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s);

There was no ability to estimate how many small businesses may be impacted by the rules.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

There is expected to be a cost to the Program to meet new, additional record keeping requirements - estimated to be about 30 minutes per service to an individual. the number of students who have been provided pre-employment transition services has been increasing but the increases are not predicable. Costs for services are not yet firmly established. It is not possible that there would be any accuracy to the estimated cost to comply with record keeping requirements.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The costs of professional services, equipment supplies, labor and increased administration required to comply with the rule(s) are the general costs of doing business for the Program. Any cost assumed by a contractor would be paid at provided by the initial rates methodology described in the proposed rules.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Prior to the rules advisory committee meeting, a news release was developed and shared with the interested parties list and vendors that the Program contracts. It invited individuals to apply to participate in the rules review. Several of the individuals joined as new members and represented private non-profit organizations that do not contract for these services but may in the future. Individuals who work in schools that have contracted to do this work were also represented in the rules advisory committee.

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RULES PROPOSED:

582-150-0002, 582-150-0005, 582-150-0015, 582-150-0030, 582-150-0040, 582-150-0045, 582-150-0050, 582-150-0055, 582-150-0065, 582-150-0070, 582-150-0075, 582-150-0080, 582-150-0100, 582-150-0200

ADOPT: 582-150-0002

RULE SUMMARY: This new rule provides information about the challenges that students and youth with disabilities face in completing high school, engage with post-secondary education and become employed. Then the purpose of pre-employment transition services is discussed. This is followed by the basic requirements that Vocational Rehabilitation commits to perform when serving students and young adults with disabilities as they transition from school to education or training and into the world of work.

CHANGES TO RULE:

582-150-0002

Purpose

(1) Transition to adulthood is challenging for young adults with disabilities¶

(a) Compared to their peers without disabilities, students with disabilities are: ¶

(A) Less likely to graduate from high school;¶

(B) More likely to enroll in community colleges or short-term vocational programs;¶

(C) Less likely to enroll in four-year colleges or universities; and¶

(D) More likely to be unemployed or employed in low-wage, part-time jobs. ¶

(b) Pre-employment transition services (Pre-ETS) are the earliest set of services in the continuum of available vocational rehabilitation services that can lead to high expectations for rewarding future careers and self-sufficiency. ¶

(c) Early engagement of students, youth and their families through meaningful and effective outreach strategies and in a relatable manner assures that they are aware of the valuable benefits and services available to them.¶

(d) It is important that students and youth with disabilities understand all the options available after high school, including moving on to a college or trade school, which can prepare them for employment within their community and help them learn about life skills after school.¶

(2) The Program commits to: ¶

(a) Providing pre-employment transition services available statewide; and ¶

(b) Assuring equitable access to all students with disabilities (Source: Section 113(a) of the Rehabilitation Act and 34 C.F.R. § 361.48(a)).¶

(c) Providing outreach to students and families in their communities to bridge access to and facilitate early engagement in pre-employment transition services.¶

(d) A continuum of transition related services that begin with pre-employment transition services (Pre-ETS) for eligible and potentially eligible students with disabilities so they may transition smoothly to vocational rehabilitation services and employment.¶

(e) Ensuring services for students and youth with disabilities provide meaningful opportunities to receive the training and other supports they need to achieve competitive integrated employment.¶

(f) Assuring eligible students and youth are provided with transition and employment related services developed and outlined in an individualized plan for employment (IPE). These services assist them to prepare for, secure, retain, advance in, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Statutory/Other Authority: ORS 344.530 & 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

RULE SUMMARY: Definitions that are specific to Vocational Rehabilitation youth services are provided. All definitions have been reviewed for accuracy.

Definitions have been updated for "potentially eligible" given new federal explanations. A new service, "coaching" has been added. This service is distinct from "job coaching" provided in general Vocational Rehabilitation services.

CHANGES TO RULE:

582-150-0005

Definitions

(1) "Authorized activities" means that funds available and remaining after the Program provides the required activities described in OAR 582-150-0005-~~(4)(5)~~ may be used to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by:¶

(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 individuals supporting students with disabilities;¶

(d) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of these rules;¶

(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 these rules;¶

(g) Developing model transition demonstration projects;¶

(h) Establishing or supporting multistate or regional partnerships involving states, local educational agencies, the Program, developmental disability agencies, private businesses, or other participants to achieve the goals of these rules; and¶

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

(2) "~~Potentially eligible~~" means all students Auxiliary aids and services with respect to pre-employment transition services mean:¶

(a) Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services, with disabilities, regardless whether they have applied or been determined eligible for votes materials, exchange of written notes, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, including real-time captioning, voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned-rehabilitated telephones, or equally effective telecommunication-sers devices. The term is applicable only when implementing the requirements governing pre-employment transition services.¶

(3) "Pre-employment transition coordination" means that each local branch of the Program shall carry out responsibilities to, videotext displays; accessible electronic and information technology, or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;¶

(b) Qualified readers, taped texts, audio recordings, Brailled materials and displays, screen reader software, magnification software, optical readers, secondary auditory programs (SAP), large print materials, accessible electronic and information technology, or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;¶

(c) Acquisition or modification of equipment or devices, and¶

(d) Other similar services and actions. (Source: 28 CFR 35.104; OAR 582-001-0010(9)), and¶

(e) Assures ensure equal access to information, materials, services, and activities available to students with disabilities participating in pre-employment transisting of the following;¶

(a) Attending individualized education program (IEP) meetings for on services. ¶

(f) Auxiliary aids and services do not include:¶

(A) Personal devices (e.g., computers, laptops, tablets);¶

(B) Prescribed devices (e.g., eyeglasses, hearing aids, wheelchairs);¶

(C) Readers for personal use or study;¶

(D) Home or vehicle modifications;

(E) Attendant care or other activities of daily living (ADL) services required.

(3) "Coaching services" means:

(a) Assisting the eligible students with a disabilities, when invited;

(b) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for to perform the tasks assigned during the work-based learning experience;

(b) If needed by an eligible student with a disability, in accordance with an approved individualized plan for employment (IPE), to participate in pre-employment transition services.

(c) Coaching as a Program service is only allowable for work-based learning experiences when the students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships determined eligible by the Program; and

(d) Has a signed individualized plan for employment (IPE) with the Program.

(e) Coaching services may be provided by other programs, agencies or organizations if the student is only potentially eligible for Program services.

(4) "Potentially eligible" means students with disabilities who are:

(a) Verified by the Program to receive pre-employment transition services;

(b) Working with schools to coordinate and ensure the provision of pre-employment transition services; and

(c) When invited, attending person-centered planning meetings to individuals receiving Medicaid Not yet been determined eligible for the Program and who do not have an approved individual plan for employment.

(d) These students may receive auxiliary aids, including American Sign Language interpretation service.

(e) Otherwise, these students may not receive any Program services other than pre-employment transition services until they apply and are determined eligible for Program services and have an approved individual plan for employment.

(f) This term only applies to pre-employment transition services.

(45) "Required activities" means the Program shall coordinate and provide the following pre-employment transition services for students when requested:

(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 instr; and

(e) Instruction in self-advocacy which may include instruction in person-centered planning, and peer mentoring.

(6) "Rural" means a town or area has been determined to be a sparsely settled, remote areas of the United States. These areas are characterized by some combination of low population size and high geographic remoteness.

(a) Program staff refer to US Department of Agriculture Frontier and Remote (FAR) codes to determine if an area of Oregon is "rural".

(b) If the participant's residential zip code meets any of the following definitions, the participant resides in an area designated as rural:

(A) Remote from urban areas of 50,000 or more people. FAR level one includes ZIP code areas with majority populations living 60 minutes or more from urban areas of 50,000 or more.

(B) Remote from urban areas of 25,000 or more people. FAR level two includes ZIP code areas with majority populations living 60 minutes or more from urban areas of 50,000 or more people and 45 minutes or more from urban areas of 25,000-49,999 people.

(C) Remote from urban areas of 10,000 or more people. FAR level three includes ZIP code areas with majority populations living 60 minutes or more from urban areas of 50,000 or more people; and 45 minutes or more from urban areas of 25,000-49,999 people; and 30 minutes or more from urban areas of 10,000- 24,999 people.

(D) Remote from urban areas of 2,500 or more people. FAR level four includes ZIP code areas with majority populations living 60 minutes or more from urban areas of 50,000 or more people; and 45 minutes or more from urban areas of 25,000-49,999 people; and 30 minutes or more from urban areas of 10,000- 24,999 people; and 15 minutes or more from urban areas of 2,500-9,999 people.

(7) "Section 504 student with a disability" assures that students with disabilities covered by Section 504 of the Rehabilitation Act are not discriminated against and are assured their civil rights. (34 CFR Part 104, Subpart D- Preschool, Elementary, and Secondary Education and 34 CFR 104.3(j))

(8) "Student with a disability" means an individual with a disability in a secondary, postsecondary, or other recognized education program who:

(a) Is as young as 14 years of age as determined by the Oregon Department of Education in person-centered planning, which may include peer mentoring, including peer mentoring from individuals with disabilities working in competitive integrated employment age range for IDEA transition planning; and¶

(b) Is not older than 21 years of age; and.¶

(A) 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.) including secondary, post-secondary, and other recognized education programs; or,¶

(B) Is a student who is an individual with a disability, for purposes of section 504, or¶

(C) Is a student who is an individual with a disability who has been home schooled; or¶

(D) Is a student who is an individual with a disability served by a private school; or¶

(E) Is a student who is an individual with a disability served by alternative schools or justice involved youth or other accredited school program; or¶

(F) Is a student who is an individual with a disability served by Tribal Vocational Rehabilitation as Tribal Vocational Rehabilitation programs do not provide pre-employment transition services.¶

(9) "Transition services" means a coordinated set of activities for a student or youth with a disability:¶

(a) Designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;¶

(b) Based upon the individual student's or youth's needs, considering the student's or youth's preferences and interests;¶

(c) That 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;¶

(d) That promote or facilitate the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and¶

(e) That includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability. ¶

(10) "Youth with a disability" means an individual with a disability who is not younger than 14 years of age and up to the age 25.¶

(11) "Youth with disabilities" means more than one youth with a disability.

Statutory/Other Authority: ORS 344.530, ORS 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0015

RULE SUMMARY: 582-150-0015 has been amended to reflect the current names of agencies and programs that Vocational Rehabilitation collaborates. Attention has been given to outreach to families and guardians, community-based programs, Tribal programs and youth who through community events.

CHANGES TO RULE:

582-150-0015

General Provisions for Students and Youth with Disabilities in Transition

(1) The Program ~~shall use evidence-based and best practice~~ provides services to serve students and youth with disabilities, including those with the most significant disabilities, who are in transition to ensure that they have:

(a) Meaningful opportunities to receive the training and

(b) Other services they need to achieve employment outcomes in competitive integrated employment.

(2) To accomplish this, the Program shall collaborate with other agencies at the state administrative levels, regional and local levels, including but not limited to:

(a) The Oregon Department of Education,

(b) Oregon Department of Human Services, Office of Developmental Disabilities, programs, including:

(A) Aging and People with Disabilities

(B) Child Welfare

(C) Developmental Disabilities,

(D) Self-Sufficiency Programs

(d) Oregon Health Authority, Health Systems Division, Behavioral Health, Adult Mental Health Services and Addiction Services, & Addictions,

(e) Oregon Youth Authority,

(f) Local school districts, and

(g) Federally recognized Tribal Rehabilitation Programs and

(h) Workforce and Innovation Opportunity Act Title I programs.

(3) General provision of pre-employment transition services (Pre-ETS) and coordination to students with disabilities is:

(a) Governed by the Program's rules, policies and procedures;

(b) Made available to all students with disabilities statewide who may need them statewide and request them; and

(c) In accordance with:

(A) State and federal law and regulation; and

(B) The statewide educational cooperative memorandum of agreement developed between among the Oregon Department of Education, Oregon Commission on the Blind and the Department, and an intra-agency cooperative agreement between the Program, Office of Developmental Disability Services; and

(C) The Program administers a range of statewide pre-employment transition services and transition services through contracts and to all students with disabilities

(i) In accordance with federal and state procurement regulations.

(ii) The services are provided both directly by Program staff and

(iii) Indirectly through interagency agreements with school districts and entities and contracts with community-based service providers to perform.

(iv) The Program liaisons and coordinators work between the Program and schools, at local and regional levels, including other local service providers and through Pre-ETS, assure comprehensive transition services; and summer youth employment services.

(4) Outreach to and engagement of families

(a) The Program shall inform school transition programs, students, and families about Program services.

(b) Outreach to and engagement of families shall may be provided:

(A) Through local Program branches and services;

(B) Through contracts and interagency agreements with school districts and community-based service providers;

(C) To families of students with disabilities, including guardians and foster families; and

(D) To Tribal vocational rehabilitation programs to assure Tribal-affiliated students with disabilities may receive pre-employment transition services.

(c) Outreach is performed through other community events that students and youth with disabilities and their families participate.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730



AMEND: 582-150-0030

RULE SUMMARY: OAR 582-150-0030 is amended to provide additional details about the requirements for potentially eligible students and the documents and data needed to request pre-employment transition services. The need for collaboration among programs serving these students is emphasized.

CHANGES TO RULE:

582-150-0030

Pre-Employment Transition Services

(1) Pre-employment transition services are the first step along the continuum of services that Vocational Rehabilitation may provide to students with disabilities. These services are distinct from other services that the Program may provide. ¶

(2) The Program shall provide pre-employment transition services to all students with disabilities who ~~are~~ ¶

(a) Are potentially eligible or eligible for Program services; and ¶

(b) May need them and request them. ¶

(~~3~~) Students with disabilities shall not be required to apply or be determined eligible for Program services before receiving pre-employment transition services. ¶

(2) The Program shall(a) Basic documentation is necessary to ensure that: ¶

(A) These students have a disability and are potentially eligible for Program services; and ¶

(B) The Program has sufficient information to complete the RSA-911 Case Service Report and satisfy performance accountability requirements under section 116 of WIOA. ¶

(b) Data elements required for a student with a disability who is receiving pre-employment transition services and has not applied for or been determined eligible for Program services include: ¶

(A) A unique identifier; ¶

(B) A social security number (if available); ¶

(C) Date of birth; ¶

(D) Race (required if student is in elementary or secondary education); ¶

(E) Ethnicity (required if student is in elementary or secondary education); ¶

(F) The student's disability; ¶

(G) The start date of pre-employment transition services; and ¶

(H) The pre-employment transition services provided, including the type of provider and amount expended for the service. ¶

(c) The Program must maintain verifying documentation in an individual's case file. Supporting documentation, relevant to the identified required documentation in OAR 582-150-0030(2)(a), may include: ¶

(A) Case notes documenting Program staff observation, review of school records, statements of education staff; or ¶

(B) A student request for pre-employment transition services with the identification of a student's disability, signed by parent or guardian if the student is under the age of majority in Oregon; or ¶

(C) A copy of an individualized education program (IEP) document, SSA beneficiary award letter, school psychological assessment, documentation of a diagnosis or disability determination or documentation relating to 504 accommodation(s). ¶

(4) The Program must provide pre-employment transition services to students with disabilities who: ¶

(a) Are eligible for an individual education plan (IEP), or have a documented disability, or is an individual with a disability under Section 504 under the Act; and ¶

(b) Age 14 to 21, in school, and participating in a secondary or post-secondary school leading to recognized credentials. ¶

(~~5~~) Pre-employment transition services coordination assures that: ¶

(a) The Program shall ~~not~~ must coordinate and provide, with schools and contractors, individualized and appropriate pre-employment transition required activities to students who request specific services. ¶

(b) Students may not receive all services depending on their individualized needs. ¶

(c) The Program may use these opportunities to coordinate services for pre-employment transition services for students with disabilities: ¶

(A) Attend individualized education program (IEP) meetings for students with disabilities, when invited; ¶

(B) Work 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) Work with schools to coordinate and ensure the provision of pre-employment transition services; and ¶

(D) When invited, attend person-centered planning meetings to individuals receiving Medicaid. ¶

(6) Pre-employment transition services (Pre-ETS) must be provided in collaboration with state and local educational agencies. ¶

(a) Local educational agencies (LEA) are obligated to provide transition services under the Individuals with Disabilities Act (IDEA). ¶

(b) Local educational agencies (LEAs) are responsible to pay and provide for any transition service that considered special education or related services necessary for ensuring a free appropriate public education required under IDEA. ¶

(c) Pre-employment transition services provided by the Program may not duplicate services that are already provided by local education agencies through the Individuals with Disabilities Education Act (IDEA). (Section 101(c) of the Rehabilitation Act and 34 CFR 361.22(c)).

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0040

RULE SUMMARY: OAR 582-150-0040 title is edited for consistency. The text of the rule has been edited to remove acronyms for ease of reading comprehension.

CHANGES TO RULE:

582-150-0040

Program application and eligibility for students and youth for individualized transition services

(1) A student may request and receive pre-employment transition services (Pre-ETS) before applying for individualized services ~~from~~ under an individualized plan for employment for the Program.¶

(2) A student with a disability who needs individualized transition services from the Program, in addition to pre-employment transition services (Pre-ETS) or stand-alone agency or community organization services, ~~shall~~ must apply and be determined eligible for the Program.¶

(3) The Program application and eligibility determination requirements and process shall be the same for all Program applicants including students and youth with disabilities.¶

(4) Every student and youth, regardless of the severity of their disability, is presumed able to benefit in terms of an employment outcome from Program services.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0045

RULE SUMMARY: OAR 582-150-0045 has been updated to clarify:

- \* That the individualized plan for employment contains specific transition services and supports needed by the student or youth to achieve the employment outcome or projected post-school employment goal; and
- \* Is developed as early as possible but no later than 90 days eligibility has been determined.

The vocational rehabilitation counselor and student or youth agree on the contact frequency while the student or youth is involved in education. Contact should be frequent enough to identify and mitigate problems that can impede satisfactory school progress. The student has responsibilities for sharing information at the completion of the educational term.

All pre-employment transition services a student with a disability receives must be authorized. They must also be included in the individualized plan for employment (IPE). The IPE must also include any pre-employment transition coordination services.

CHANGES TO RULE:

582-150-0045

Individualized Plan for Employment (IPE) for student or youth

- (1) An individualized plan for employment (IPE) for an eligible student or youth with a disability shall:
  - (a) Contain a description of the employment goal/outcome or may include a description of the individual's projected post-school employment and include documentation of the educational goals and subsequent educational outcomes to be attained which are directly tied to the employment goal;
  - (b) The employment goal must be consistent with the general goal of competitive integrated or supported employment (see OAR 582 Division 72); and
  - (c) Include the specific transition services and supports needed by the student or youth for the achievement of the employment goal/outcome or projected post-school employment goal; and
  - (d) Be developed as early as possible and no later than 90 days after determination of eligibility.
- (2e) During the course of training development and approval of an individualized plan for employment in accordance with CFR 34 § 361.45
  - (A) As early as possible during the transition planning process and not later than the time a student with a disability determined to be eligible for vocational rehabilitation services leaves the school setting; or education, the counselor and participant shall meet at the end of each educational term (quarterly, semester, or other, as designated by the training or educational organization).
  - (B) If the Program is operating under an order of selection, before each eligible student with a disability is able to be served under the order leaves the school setting.
- (2) For program participants receiving pre-employment transition services or enrolled in a secondary or post-secondary education program funded by the Program, the frequency of contact should be based upon the individualized needs of the youth.
  - (a) At a minimum counselor must:
    - (A) Maintain contact with the individual frequently enough to identify and mitigate problems that can impede satisfactory school progress (such as missing classes or accommodation needs are not met).
    - (B) Establish a regularly scheduled check-in with all individuals participating in an education program on a schedule that best serves the individual's specific needs.
    - (C) Consult with the student or youth at the completion of each term or semester to review attendance, grades and progress toward training program completion, financial status, and future plans.
    - (D) More frequent contact may be required if the counselor's supervisor deems it necessary.
  - (b) During these meetings, the participant shall must review and share with the counselor at a minimum:
    - (a) Grades;
    - (b) Credits successfully achieved;
    - (c) Progress made toward skill, certificate, or degree attainment, and if appropriate;
    - (d) Financial aid; and
    - (e) Complete or review the financial needs test.
- (3) Develop an individualized plan for employment with substantial services needed by the student or youth that are:
  - (a) Not generally available to all students or youth in the local education agency; and
  - (b) Do not duplicate any federally funded programs available to subsets of students (see 582-

150-0030(5); and¶

(c) Coordinate the individualized plan for employment (IPE) with the individualized education program or 504 services plans for the individual student in terms of goals, objectives, and services identified in the education program; and¶

(~~b~~d) In accordance with the plans, policies, procedures, and terms of the interagency agreements.¶

(e) Any pre-employment transition services a student with a disability receives shall be authorized and included in the individualized plan for employment (IPE) as a part of the ~~overall~~ plan; and¶

(~~e~~f) Shall include any pre-employment transition coordinatedion services.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0050

RULE SUMMARY: The title of OAR 582-150-0050 is shorter. The rule has been expanded to include:

- \* The types of group services that may be provided
- \* Which students can participate in the services
- \* The types of agencies, programs and organizations that may provide services.

The program services must not be the responsibility of another agency, program or organization. There is a need for programs to collaborate to provide services.

Provision of auxiliary aids and services are discussed.

CHANGES TO RULE:

582-150-0050

~~Services for students and youth provided as individual or group~~ Group transition services

~~(1) Required services may be provided to students as individual or group services.~~

~~(2) The Program may provide transition services to groups of students with disabilities and youth with disabilities who may not have yet applied or been determined eligible for vocational rehabilitation services the for the benefit of groups of individuals with disabilities~~

~~(2) Transition services to a group of students with disabilities and youth with disabilities who may not have yet applied or been determined eligible for vocational rehabilitation services may include:~~

~~(a) A vocational rehabilitation counselor works in concert with educational entities, providers of job training programs, providers of services under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), entities designated by the State to provide services for individuals with developmental disabilities, centers for independent living (as defined in section 702 of the Act), housing and transportation authorities, workforce development systems, and businesses and employers.~~

~~(b) These specific transition services benefit a group of students with disabilities or youth with disabilities and are not individualized services directly related to an individualized plan for employment goal.~~

~~(c) Services may include, but are not limited to:~~

~~(A) Group tours of universities and vocational training programs;~~

~~(B) Employer or business site visits to learn about career opportunities;~~

~~(C) Career fairs coordinated with workforce development and employers to facilitate mock interviews and resume writing; and~~

~~(D) Other general services applicable to groups of students with disabilities and youth with disabilities.~~

~~(3) Required services may be authorized and provided to students as individual services one-to-one or in group settings.~~

~~(4) The Program may authorize and provide the five required pre-employment transition services, to groups of students:~~

~~(a) Who are an individual student or a student in a group setting, who is:~~

~~(a) Eligible or potentially eligible for the Program's services, and~~

~~(b) Are not services directly related to an individual's IPE authorized to an eligible individual, documented in their individualized plan for employment (IPE), relating to their employment goal; and~~

~~(c) Provided by, or in concert with, or contracted by the Program, including but not limited to:~~

~~(A) State agencies;~~

~~(B) Educational agencies;~~

~~(C) Service providers for job training programs;~~

~~(D) Providers of services under Medicaid program under title XIX of the SSA;~~

~~(E) Entities designed by the state to provide services for individuals with intellectual or developmental disabilities;~~

~~(F) Centers for Independent Living;~~

~~(G) Housing and transportation authorities;~~

~~(H) Workforce development systems; and~~

~~(I) Businesses and employers.~~

~~(3e) These services must be documented as services by the provider or contractor.~~

~~(5) If a student with disabilities requests Program services other than pre-employment transition services, the student:~~

~~(a) Shall~~ Must apply and be determined eligible ~~for~~ to receive Program services.

~~(b) May receive supported employment services if the Program assessment determines it is appropriate for the student because they:~~

- (A) Experience a most significant disability; and¶
- (B) Require supported employment services ~~to gain or maintain employment.~~¶
- (4C) The Program may provide extended services (see OAR 582 Division 72 Supported Services) to a youth who is most significantly disabled ~~and eligible for up to four Program supported employment services years or until the youth reaches the age of 25 and is no longer considered a youth.~~¶
- (56) Program services for any eligible student or youth, during transition shall:¶
  - (a) Be vocational rehabilitation in nature; and¶
  - (b) Support and be designed to lead to achievement of the ~~vocational~~competitive integrated employment goal in the individualized plan for employment;¶
  - (c) Consistent with the student's or youth's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;¶
  - (d) Be provided to the maximum extent possible, in an integrated, community setting; and¶
  - (e) Not be services that are the responsibility of the school district, Department programs including Developmental Disabilities Services, or Oregon Health Authority programs including Addiction and Oregon Health Authority, Health Systems Division, Behavioral Health, Adult Mental Health service & Addictions, or of any other agency or program.¶
- (67) The Program in collaboration with the local education ~~agenc~~entities or other programs and agencies may provide other necessary support services.¶
  - (a) Funding of other necessary support services shall be determined in collaboration with the local school system. ¶
  - (b) If a student with a disability requires an auxiliary aid or service to access or participate in any of the pre-employment transition services, the Program shall pay for the costs if no other public entity is required to provide the aid or service.¶
  - (c) Expenditures incurred for the purchase or acquisition of auxiliary aids and services¶
    - (A) Constitute an allowable pre-employment transition services cost; and¶
    - (B) The Program may use funds reserved for the provision of pre-employment transition services to pay for those auxiliary aids and services.¶
    - (d) ~~Personal devices and services that do not meet the definition of auxiliary aids and services include:¶~~
      - (A) ~~Individually prescribed devices, such as prescription eyeglasses or hearing aids, readers for personal use or study; or¶~~
      - (B) ~~Services of a personal nature.~~¶
  - (e) If a student with a disability requires personal devices or services or individually-prescribed assistive technology, the Program shall:¶
    - (A) Work with the student to determine whether they meet the eligibility criteria of the Program; and¶
    - (B) If so, develop an individualized plan for employment for the provision of those additional services.¶
    - (C) The Program shall have primary financial responsibility for Program services, but it shall use comparable services and benefits when that does not impede the progress of plan activities as described in the individualized plan for employment.¶
    - (D) The student shall participate in the financial needs test as appropriate.¶
  - (f) ~~e~~ Services not constituting pre-employment transition services or auxiliary aids and services necessary for a student to access or participate in those services:¶
    - (A) Shall not be paid with funds reserved under section 110(d)(1) for the provision of pre-employment transition services.¶
    - (B) Shall be paid with non-reserved Program funds.¶
  - (g) When a student requires a personal device to participate in pre-employment transition services only, the Program may loan the device, contingent on availability. The student shall return the device when it is no longer required for participation in services.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0055

RULE SUMMARY: OAR 582-150-0055 is repurposed to describe the program service records required for students receiving pre-employment transition or transition coordination. The information consolidates this information. Information that was contained in the old rule is found elsewhere in OAR 582 Division 150.

The required information allows the Program to:

- \* Document and verify the student's eligibility for pre-employment transition services and
- \* Provide data about service required by the state agency or federal funding agency.

CHANGES TO RULE:

582-150-0055

~~Required program service records for students receiving pre-employment transition or transition coordination activities~~

~~(1) Pre-employment transition coordination activities include:~~

~~(a) Attending individualized education plan (IEP) meetings, when in program service records about participants in pre-employment transition services shall include:~~

~~(a) Date of birth;~~

~~(b) Race and ethnicity;~~

~~(c) gender, if provided;~~ and

~~(d) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for~~

~~(A) Verification from Oregon Department of Education or Local Education Association (school district) that the individual is a student with a disability;~~ or

~~(B) Working with schools to coordinate and ensure the provision of pre-employment transition services;~~

~~and~~ Examine a copy of the individualized education plan (IEP) or 504 Plan; or

~~(C) Attending person-centered planning meetings for students with disabilities receiving Medicaid services, when invited.~~

~~(2) Each local office of the Program shall carry out pre-employment transition coordination activities: Working with families of participants to verify medical documentation of disability for any person not reported by the local education agencies, or~~

~~(D) Obtain medical documentation signed by a medical provider.~~

~~(ad) Attend individualized education program meetings for students with disabilities, when invited~~ Pertinent and available school-based assessment information, the individualized education plan (IEP);

~~(be) Work with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and~~

~~o~~ Verify enrollment as a student in a secondary, postsecondary, or other educational program;

~~(f) A unique student identifier;~~

~~(g) Information about their previous employment opportunities available throughout the school year, and apprenticeships;~~

~~(e) Work with local education agencies related experiences, including carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of services and out of school, if any; and~~

~~(2) Documentation of any pre-employment transition services under 34 CFR 361.48(4)(a); participation shall:~~

~~(da) When invited, attend person-centered planning meetings for individuals receiving Medicaid services;~~

~~(e) Pre-employment transition coordination activities may be tracked to a specific student. Program staff may attend individual education program or person-centered planning meetings for students whom they have not yet received a referral or application for services and join to provide basic information.~~

~~(A) These specifications need to include which of the five required services the student receives;~~

~~(b) The start date;~~

~~(c) Provided directly by Program staff or purchased; and;~~

~~(d) If purchased, the cost of the required activity.~~

~~(e) Document parental or guardian's consent to participate in pre-employment transition services shall benefit a group of, as appropriate or by the students with disabilities or youth with disabilities that are not individualized services directly related to an individualized plan for an employment goal.~~

~~(B) Services may include, but are not limited to, group tours of universities and vocational training programs, employer or business site visits to learn about career opportunities, career fairs coordinated with workforce~~



~~development and employers to facilitate mock interviews and resume writing, and other general services applicable to groups of students with disabilities when achieving the age of majority.~~¶

(3) This documentation does not constitute an application for Program services as in OAR Division 50 Referral, Application, and Eligibility for Vocational Rehabilitation Services.¶

(4) The Program shall store service records for pre-employment transition services in the Program's electronic case management system.¶

(5) Non-identifying information may be used in research projects by the Program to improve services to students and youth with disabilities.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0065

RULE SUMMARY: OAR 582-150-0065 is repurposed to discuss the use of funds reserved for pre-employment transition services. There are very specific requirements by the federal funding agency about how these funds are to be used and documented. Details are provided to share the requirements of the funding. There are services that cannot be purchased with these reserve funds and examples are provided.

Details are shared when these reserve funds may be used to purchase auxiliary aids and services for students with disabilities with sensory and communicative disorders. These students may need such aids and services in order to access or participate in pre-employment transition services, regardless of whether the student has applied or been determined eligible for the VR program.

CHANGES TO RULE:

582-150-0065

~~Program service records for students receiving~~ Use of funds reserved for pre-employment transition or transition coordination services

~~(1) Program service records about participants in Pre-ETS shall include:~~

~~(a) Date of birth;~~

~~(b) Race~~ For purposes of determining compliance with the percentage of funds required to be reserved for pre-employment transition services, the State's allotment is the lesser of:

~~(a) The maximum amount of Federal VR award funds matched; or~~

~~(b) The amount of the net Federal VR award (at the end of the fiscal year); and~~

~~(c) Verify disability by:~~

~~(A) Medical documentation signed by a medical provider or a copy, or exam of the period of performance.~~

~~(c) The Program in conjunction with Oregon Commission for the Blind must monitor expenditures throughout the lifecycle of the VR grant award since:~~

~~(A) The 15 percent reserve is not a fixed number and~~

~~(B) May fluctuate based on the Program's and Oregon Commission for the Blind's combined a copy of the individualized education plan (IEP) or 504 Plan or verification from Oregon Department of Education that the individual is able to match the State award funds, maintenance of effort penalties, and participation in reallocation.~~

~~(2) The Program may use the funds reserved under section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(i) - or funds reserved for pre-employment transition services - to pay for:~~

~~(a) Pre-employment transition services requested by:~~

~~(A) Potentially eligible students or~~

~~(B) Eligible students with a disability; or~~

~~(b) Working with families of participants to verify medical documentation of disability for any person not reported by the local education agency; and any other vocational rehabilitation service needed by those eligible students to benefit from pre-employment transition services in accordance with an approved individualized plan for employment (IPE).~~

~~(3) For students with disabilities who have not yet been determined eligible for the VR program (for example, potentially eligible students with disabilities):~~

~~(a) Pertinent and available school-based assessment information, IEP;~~

~~(e) Verify enrollment as a student; The Program may use the funds reserved under section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(i) - or funds reserved for pre-employment transition services - only to pay for those preemployment transition services set forth in a secondary, postsecondary, or other educational program;~~

~~(f) Student identification number, if available; section 113 and 34 CFR 361.48(a) Pre-employment transition services.~~

~~(b) As well as for auxiliary aids and services needed to access or participate in preemployment transition services, including American Sign Language.~~

~~(g) Information about their previous employment related experiences in and out of school, if any; and Common Program services outside of the scope of pre-employment transition services.~~

~~(a) These services may not be charged to the reserve:~~

~~(A) Vocational and other training services (including registered apprenticeship and pre-apprenticeship)~~

~~(B) Documentation of any Pre-ETS participation shall: Books, tools or other training materials for a pre-employment transition services such as workplace readiness training unless a student with a disability needs~~

them¶

(AC) Describe a documented need to include which of the five required services the student receives: Advanced training (for example, advanced driver's education resulting in a special license for a bus or commercial truck driver) ¶

(D) Transition related services ¶

(E) Medical services ¶

(F) Employment related services; ¶

(Bb) The start date; ¶

(C) Provided directly by Program staff or purchased; and, ¶

(D) If purchased, the cost of the required activity. ¶

(i) Document parental or guardian's consent to participate in Pre-ETS, as appropriate. ¶

(2) This documentation does not constitute an application for Program services as in OAR Division 50 Referral, Application, and se costs and services that may not be charged to the reserve: ¶

(A) Job placement assistance; ¶

(B) Job search assistance; ¶

(C) Supported employment services; ¶

(D) Tuition, fees, and related costs associated with attending a post-secondary institution ¶

(5) The Program may pay for auxiliary aids and services for students with disabilities with sensory and communicative disorders who need such aids and services in order to access or participate in pre-employment transition services, regardless of whether the student has applied or been determined eligible for the VR program. ¶

(a) If any student with a disability requires an auxiliary aid or service to access or participate in any of the pre-employment transition services (section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2)), ¶

(b) Then the Program must pay for such costs if no other public entity is required to provide such aids or services. ¶

(A) The Program must conduct a search for comparable services and benefits only when providing vocational rehabilitation services to eligible individuals or students with disabilities who have been determined eligible for Vocational Rehabilitation for Program services pursuant to section 102(a)(1) of the Rehabilitation Services Act. ¶

(3B) The Program shall store service records for pre-employment transition services in the Program's electronic case management system need not seek comparable services and benefits when providing pre-employment transition services and auxiliary aids and services to students with disabilities who have not applied or been determined eligible for Program services. ¶

(c) The Program may use funds reserved for providing pre-employment transition services to pay for those auxiliary aids and services for any student with a disability who needs them, regardless of whether they have applied and been determined eligible for Program services. ¶

(d) Pre-employment transition services set aside funds must not be used to purchase personal devices and services. ¶

(4A) Non-identifying information may be used in research projects by the Program to improve services to students and youth with disabilities Personal devices and services do not meet the definition of auxiliary aids and services under the ADA or section 504 of the Rehabilitation Act. ¶

(B) If a student with a disability requires personal devices or services or individually prescribed assistive technology, the Program must determine whether the student: ¶

(i) Meets the eligibility criteria of section 102(a) of the Rehabilitation Act and, ¶

(ii) If so, develop an individualized plan for employment (IPE) in partnership with the student pursuant to section 102(b) of the Rehabilitation Act for the provision of those additional services (see also 34 CFR 361.42(a)(1) and 361.45.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0070

RULE SUMMARY: OAR 582-150-0070 has been edited to clarify that students or youth with disabilities provided services must be informed about the Client Assistance Program.

CHANGES TO RULE:

582-150-0070

Client Assistance Program information

At the time the student ~~or youth~~ requests pre-employment transition services, or the student or youth requests transition services provided by the Program, or through contracts and interagency agreements with school districts and community-based service providers, information about the Client Assistance Program (CAP) shall be given to each potentially eligible individual, applicant, participant, or their representative.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0075

RULE SUMMARY: OAR 582-150-0075 has been edited to remove an acronym for reading ease. The upper age when services cease has been restated for better understanding.

CHANGES TO RULE:

582-150-0075

Limitations

(1) When the student is no longer considered a student with a disability ~~Pre-ETS~~ employment transition services shall cease. This includes a student who:¶

(a) Has reached the age of 22, or,¶

(b) Has aged out of or exited secondary services without enrolling in a post-secondary education system.¶

(2) Transition ~~coordination~~ services may ~~not~~ be provided for a youth ~~who is older than 24 years of age~~ up to the age of 25.¶

(3) When a student applies for and is determined ineligible for Program services that student is also no longer eligible to receive pre-employment transition services.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

AMEND: 582-150-0080

RULE SUMMARY: OAR 582-150-0080 has been edited to remove an acronym.

CHANGES TO RULE:

582-150-0080

Restrictions

Except as noted in this section, students or youth with disabilities may not be exempt from:¶

- (1) Program's rules or procedures for all students who are potentially eligible or eligible for receiving ~~P~~pre-ETS employment transition services or transition coordination and make application for Program services beyond pre-employment transition services or transition coordination.¶
- (2) Any order of selection requirements for either Program or pre-employment transition services apply (see OAR 582 Division 100 Order of Selection).¶
- (3) This is not meant to be a service to a specific student.

Statutory/Other Authority: ORS 344.530, 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730

ADOPT: 582-150-0100

RULE SUMMARY: OAR 582-150-0100 is a new rule. The rule describes where funds may come from to provide the 15 percent requirement. Information is shared about what the funds may be used. Finally, it states that the funds' use must be documented.

CHANGES TO RULE:

582-150-0100

Reservation for pre-employment transition services

(1) The Program shall, in collaboration with local educational agencies involved, provide, or arrange for the provision of, pre-employment transition services for all students with disabilities in need of such services, without regard to the type of disability from: ¶

(a) Federal funds reserved in accordance with 34 CFR ¶361.65; and ¶

(b) Any funds made available from State, local, or private funding sources. ¶

(c) Funds reserved and made available may be used for the required, authorized, and pre-employment transition coordination activities. ¶

(2) The Program must reserve at least 15 percent of the Program's allotment as described in section 110(a) of the Workforce Innovation and Opportunity Act to provide pre-employment transition services described in 34 CFR ¶ 361.48(a) Pre-employment transition services. ¶

(3) The funds reserved for pre-employment transition services: ¶

(a) Must only be used for pre-employment transition services specified in 34 CFR ¶ 361.48(a); and ¶

(b) May be used to pay for administrative costs (OAR 582-150-0200(4)(b)) related to the provision of such services or any other vocational rehabilitation services. ¶

(c) The Program and Oregon Commission for the Blind must jointly calculate and track total funds reserved for pre-employment transition services. ¶

(d) The Program must track and report all Federal expenditures for pre-employment transition services even if that amount exceeds the 15 percent minimum. Expenditures for pre-employment transitions services include both: ¶

(A) Expenditures for purchased services; and ¶

(B) Costs incurred from Program staff time providing or arranging for the required, authorized, and coordination activities outlined in 34 CFR 361.48(a) pre-employment transition services for students with disabilities.

Statutory/Other Authority: ORS 344.530 & 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

ADOPT: 582-150-0200

RULE SUMMARY: OAR 582-150-0200 is a new rule. It identifies the Program staff responsible who determine and requirements for setting pre-employment transition services rates. The rates are reviewed annually. Other requirements for the establishment of rates are discussed: consistency of application, what governs the procurement process, assuring State Rehabilitation Committee and public review of rates and the ability to comment, and communication to alert community partners about the process and the rates.

CHANGES TO RULE:

### 582-150-0200

#### Pre-employment services rate setting

(1) Program rules for rate setting must conform to:

(a) Applicable state, local, tribal laws and regulations, and

(b) Those procurement regulations conform to Federal regulations and standards identified in 2 CFR Part 200.

(2) The method to set vendor services rates is described for these services:

(a) Pre-employment transition required services (34 CFR 361.48(a)(2) or OAR 582-150-0005(6) Definitions)

(b) Pre-employment transition services (34 CFR 361.5(c)(55) or OAR 582-150-0005(10) Definitions)

(c) Pre-employment transition authorized services [34 CFR 361.48(a)(3) or OAR 582-150-0005(1) Definitions]

(3) Program staff responsible for rate creation

(a) Program staff responsible for developing and maintaining established rates for OAR 582-150-0220(2) Pre-employment services include:

(A) Business Operations Manager

(B) Youth Services Manager

(C) Deputy Director of Direct Services

(D) Deputy Director of Administration

(b) The responsible staff must identify all the types of purchased Program services in which established rates are needed, consistent with the nature and scope defined in 34 C.F.R. § 361.48.

(c) Other Program staff may share information about the Program's approach to implementing these policies [but are not responsible for the process to set the rates or setting the rates].

(4) Rates shall be established within each service type.

(a) The process to create rates must include and document:

(A) Identify like services

(B) Review current agency like service rates

(C) Review partner agency like service rates

(D) Review neighboring state same service rates

(E) Review similar state (size, placement of VR within state organization, etc.) same service rates

(F) [Identify and set a] Cap at benefit rate that matches State of Oregon Employees in a similar salary range

(G) May allow for minimum hourly wage for service providers within hourly rate.

(H) Review of actual Program expenses per service and per student for past three program years.

(I) Review cost associated with Pre-employment transition services authorized services for past three program years.

(J) Forecast future needs of all potentially eligible students with a disability against historical percentage served students with a disability.

(K) The Program may consider the feasibility of maintaining partnerships between education programs and the Program to successfully serve students and youth with disabilities given the proposed rates.

(L) The Program may consider the feasibility to manage forecasting and fiscal monitoring given staff and case management resources.

(b) Consideration of administrative costs is allowed if the costs are:

(A) Reasonable, meaning the costs are proportional to overall cost given the number of students served and hours of service;

(B) Allowable, meaning the administrative costs are allowable within contracts for provision of pre-employment transition services 110(d)(2) of the Act and §361.65(a)(3)(ii)(B);

(C) Necessary, meaning detailed and accurate records are required for verification, authorization, and documentation of service both to ensure payments and data entered for federal Program reporting is accurate.

(c) Vendor training and supplies costs are allowable to the extent that they are reasonable for the service-related costs to provide pre-employment training services.

(d) Reasonableness of rates. A cost is reasonable in its nature and amount if it does not exceed that that cost incurred by a prudent person under the conditions usual when the decision was made to incur the cost. These



factors must be considered to determine if a given cost is considered reasonable:

(A) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the Program or the proper and efficient performance of the Federal award.

(B) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.

(C) Market prices for comparable goods or services for the geographic area.

(D) Whether responsible staff (OAR 582-150-0200(3)(a)) acted with prudence in the circumstances considering their responsibilities to the Program, its employees, where applicable its participants, the public at large, and the Federal Government.

(E) Whether the Program significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.

(e) The Program must initiate a review of one or more of these rates prior to the next regular evaluation of rates if these, or similar disruptive factors, are identified [by the Program Director or a Deputy Director:

(A) Economic changes that might include inflation, changes in unemployment at the state or federal level, or recession, state minimum wage changes, or

(B) Educational requirements at the secondary or post-secondary education system, or

(C) Other factors such as natural disaster, health crises, or other unexpected crises that may disrupt services. [Worthwhile noting with the number of natural disasters that are regularly occurring in Oregon - wild fires, drought, loss of access to water, flooding, etc.)]

(5) The rates become effective ([expected date] July 1, 2024) and rate updates occur annually, and.

(6) The rate process (OAR 582-150-0200(4)(a) is applied consistently to ensure rates are applied the same way in similar circumstances.

(7) Procurement process

Procurement follows the State of Oregon, Department of Administrative Services procurement processes.

(a) The state's primary procurement resources and guidance include:

(A) Procurement manual.

(B) Procurement tools and templates.

(C) Oregon Department of Administrative Services procurement training.

(b) Additionally, the Program must follow procurement provisions contained in:

(A) Oregon Revised Statutes 279A, B and C.

(B) Oregon Department of Administrative Services Statewide Policy.

(C) Oregon Administrative Rules Chapter 125 and 137.

(D) The Oregon Accounting Manual.

(E) Other chapters of Oregon statute that direct procurement in the state, including ORS190A, ORS200.

(8) Pre-employment transition services authorized services may be provided when the funding forecast allows.

(9) Public review and input on rates methodology

(a) The Program must conduct public meetings prior to the adoption of any substantive policy, procedural or both changes.

(A) Information about public hearings and materials are provided on the Oregon Transparency Public Meetings Calendar.

(B) Shared electronically to a list of interested parties, and

(C) Posted on the public Program website.

(D) How to request alternate formats and translation is provided in all communications.

(b) The Program must invite input from:

(A) The Statewide Rehabilitation Council (SRC),

(B) Current and potential vendors and any advocacy groups for vendors; and

(C) The public.

(10) Establish appropriate communication plans to share established rates and updates to Program staff, vendors, and other community partners.

(a) Communication to staff is provided in Program All Staff meetings, a monthly newsletter, and in staff office huddles.

(b) Vendor communication is regular.

(A) Vendors are sent a bi-weekly newsletter with Program news.

(B) Information is shared to individual vendors during the process of developing rates and at the time new rates are announced via email.

(C) Vendors may contact Program Business Operations staff as needed with questions and comments.

(11) Record retention

(a) The Business Operations Manager must maintain historical records of setting rates for the various types of services.

(b) The rate development records must be maintained for six years.

Statutory/Other Authority: ORS 344.530 & 344.570

Statutes/Other Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730