

4.05 Representatives/ Parents/Guardians

1. Individuals shall be informed that they may select a representative. The individual's representative shall be included in the vocational rehabilitation process with the consent of the individual or when so ordered by a court of competent jurisdiction. An informed, signed request of consent and release of information shall be placed in the individual's records. Whenever possible, a third party should complete the request of consent for individuals unable to complete such a written request.
2. Parents or guardians shall be included in the vocational rehabilitation process only if the individual with a disability is a minor (less than 18 years old) or pursuant to 4.05(1) above. Families and other natural supports can play important roles in the success of a vocational rehabilitation program, if the individual with a disability requests, desires, or needs such supports.
3. Guardians shall be included in the vocational rehabilitation process only if participation is within the scope of the guardianship, or pursuant to 4.05(1) above.
4. Representatives, parents, or guardians included in the rehabilitation process shall receive written notice of all VR determinations that suspend, reduce or terminate services. They shall also be entitled to take part in all meetings between VR and the individual receiving services.

4.06 Signature

1. An applicant for vocational rehabilitation services must provide his or her signature on the application form if he/she is at least 18 years of age and legally competent. If the applicant is less than 18 years of age or is legally incompetent, the applicant's parent, legal guardian or representative must provide his or her signature on the application form in addition to the individual's signature.
2. The signature of an authorized representative shall be valid only if the individual or recipient of VR services expressly designates such representative in the presence of the counselor, and such designation is noted by the counselor in the individual's records. Documentation shall include a release of information to the representative for all information.
3. The signature of a legal guardian on behalf of an individual or recipient of services from VR shall be invalid unless it is accompanied by one of the following:
 - a. a court order establishing such guardianship, or
 - b. a statement by the guardian that the individual or recipient of services is a minor and the guardian is the natural parent and/or legal custodian of the child.

4.07 Preliminary Assessment. The preliminary assessment may be the first personal contact the individual has with the counselor. It forms the basis of the relationship between the counselor and the individual and is the first step to eligibility determination.

1. The preliminary assessment must be completed as expeditiously as possible. Counselor may use the [Preliminary Assessment Interviewing Tool](#) to obtain applicant information, explore vocational counseling and guidance issues, and address potential barriers to employment.
2. The counselor shall prepare a preliminary assessment of each applicant that shall include:
 - a. An identification of the applicant's barriers to employment ;
 - b. An appraisal of the applicant's abilities, functional limitations, and rehabilitation needs;
 - c. An initial appraisal of the rehabilitation technology needs to successfully complete an assessment;
 - d. A description of the individual's expectations with respect to assistance from VR;
 - e. An appraisal of the individual's understanding of informed choice regarding the services available from VR;
 - f. An initiation of the eligibility assessment;
 - g. Information that the Voter's Registration Form was completed or declined;
 - h. **Voter Registration** – The following will be completed to document each voter registration decision, as required by Florida Statute 97.058:
 - i. The Voter Registration Preference Form (RIMS template VCMT062) documenting the decision to register to vote or decline must be completed in RIMS. A copy must be maintained for a period of two years in a central file in the unit office and not in the individual's case file.
 - ii. If the individual chooses to register to vote, the Voter Registration Application must be completed and mailed to the Supervisor of Elections within 5 working days. The Division will not maintain a copy of the Voter's Registration Application.
 - iii. The Preliminary Assessment form (RIMS template VCMT039) must be marked to indicate the voter registration preference form was completed or declined.
3. During the preliminary assessment:
 - a. The counselor and the individual shall review and discuss the VR Handbook of Services, including financial participation, order of selection, mediation and the review process. The counselor shall keep the acknowledgement form signed by the individual in the case record.
 - b. VR shall to the greatest extent use information that is available, sufficient, and appropriate for the purpose of determining eligibility from other programs and providers (particularly information used by education officials and the Social Security Administration). Information that can be provided by the individual with a disability or the family of the individual shall be used for purposes of determining eligibility for the services offered by VR.

4.08 Preliminary Assessment Requirements/Considerations

1. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice.
2. An assessment of the need for assistive technology and/or worksite modification may be secured through referral to rehabilitation engineer technology.
3. Additional data and reports may be obtained only to the extent they are reasonably necessary to determine eligibility and to make an assignment of a priority of services under an order of selection. Further assessments may be conducted after eligibility determination, if needed, to assist with the IPE planning.
4. SSI/SSDI recipients are presumed eligible and are excluded from preliminary assessment (Reference Chapter 6, Section 6.03). However, the preliminary assessment form must be completed.
5. SSI/SSDI recipients are not required to contribute to the cost of vocational rehabilitation services. [Reference Chapter 9, Section 9.02(1)]

4.09 Trial Work Experience. VR is required to use trial work experiences prior to make any determination that an individual with a significant disability is incapable of benefiting from vocational rehabilitation services in terms on an employment. [Reference Chapter 6, Section 6.02]

1. VR shall explore the individual's abilities, capabilities, and capacity to perform in realistic work settings through the use of trial work experiences before determining ineligibility due to the severity of a disability.
2. VR must develop an Individualized Plan for Trial Work (IPTW) to assess periodically the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experience. Trial work must be provided in the most integrated setting possible, consistent with the informed choice and the rehabilitation needs of the individual. A copy of the IPTW will be provided to the individual.
3. Trial work experiences provide the individual with the opportunity to try different employment experiences. They may include supported employment, on-the-job training, and other experiences using realistic work settings.
4. Trial work experiences must be of sufficient variety and over a sufficient period of time for VR to determine that:
 - a. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or
 - b. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

5. VR shall provide appropriate supports, including assistive technology services and personal assistance services, to accommodate the rehabilitation needs of the individual during the trial work experiences.
6. An assessment of the individual's progress must be documented by the counselor in the case record at least once every 90 days during the trial work period and reflect whether the individual can be determined eligible, ineligible, or if trial work should continue.

4.10 Assessment for Determining Eligibility and Vocational Rehabilitation Needs. Once activated from the waiting list, if under an order of selection, or in instances where additional data is necessary to determine eligibility, a comprehensive assessment of the unique strengths, resources, priorities, interests and needs, including the need for supported employment, will be conducted. This is used for the purpose of determining the vocational goals, objectives, and nature and scope of vocational rehabilitation services to be included in the IPE or to obtain clear and convincing evidence that the individual is able to benefit from vocational rehabilitation services. The comprehensive assessment:

1. To the maximum extent possible, relies on information obtained from the individual's experiences in an integrated employment setting in the community or in other integrated community settings;
2. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the IPE for the eligible individual;
3. Uses as a primary source of information, existing information obtained for the purposes of determining eligibility of the individual and assigning priority of an order of selection for the individual. Such information can be provided by the individual and, if appropriate, by the family of the individual;
4. May include an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;
5. May include an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment;
6. May include a referral for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

7. May include an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

There must be documentation, which supports the vocational choice and gives direction to the rehabilitation process. This is important to ensure the competitive integrated employment.

VR must not consider an applicant's employment history, current employment status, level of education or educational credentials when determining eligibility for services.

4.11 Diagnoses

1. A signed report, electronic or otherwise, from a qualified provider containing a diagnosis of the individual's disability shall be maintained in the individual's case records.
2. Diagnoses by professional staff with less than M.D. or doctoral level are acceptable if such individuals are employed by licensed/certified facilities with M.D. or doctoral level. Signature of the individual providing oversight is not required.

4.12 Mental Health

1. The diagnosis of a mental health disorder shall be made by a psychiatrist or a licensed psychologist. A licensed school psychologist may be used for developmental diagnoses. [Reference [VR's Guideline for the Use of Psychological Services.](#)]
2. Neuropsychological and specific learning disability assessments shall be made by qualified personnel approved to perform such assessments licensed under appropriate licensure laws.
3. The diagnosis of a mental or emotional disorder shall be consistent with the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by American Psychiatric Publishing, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209, appi@psych.org.
4. "V-Codes" in the DSM do not constitute an impairment for VR eligibility.
5. Mental Disorders in Remission. The DSM multi-axial diagnosis system specifies the current severity of a mental disorder by the following terms:
6. Partial Remission: A disorder in partial remission means, "The full criteria for the disorder were previously met, but currently only some of the symptoms or signs of the disorder remain".
7. Full Remission: A disorder in full remission means, "There are no longer any symptoms or signs of the disorder, but it is still clinically relevant to note the disorder". It is not sufficient to determine eligibility based on diagnosis alone. The differentiation of "in full remission" from "recovered" requires consideration of many factors, including the characteristic course of the disorder, the length of time since the last period of disturbance, the total duration of the disturbance, and the need for continued evaluation or prophylactic treatment.

4.13 Chemical Dependency

1. The eligibility decision by the counselor should be based upon a current assessment of psychological functioning and a demonstrated desire by the individual to remain substance free and participate with available resources, e.g., Alcoholics Anonymous/Narcotics Anonymous (AA/NA), local community drug and alcohol awareness centers.
2. Individuals who are actively abusing drugs shall not fall under the category “individual with a disability”. In the context of chemical dependency, an individual is an “individual with a disability” who:
 - a. has successfully completed a supervised drug rehabilitation program and is no longer engaging in such use;
 - b. participates in a supervised rehabilitation program and is no longer engaging in such use;
or
 - c. is mistakenly regarded as engaging in such use but is, in fact, not engaging in such use. Alcohol or drug testing may be used to ensure that the individual is no longer engaging in the use of alcohol or illegal drugs.

4.14 Adjustment Disorder. Adjustment disorders are acute psychiatric/psychological impairments.

1. An adjustment disorder may be in response to temporary situational conditions that are frequently resolved within a short period of time, but do cause substantial impediments to employment.
2. Six months after receiving the adjustment disorder diagnosis, the individual must be reevaluated. When adjustment disorders are present and cause substantial impediments, a reevaluation will generally indicate a more chronic impairment.
3. If an individual with an adjustment disorder is found ineligible for the services provided by VR, the ineligibility decision shall be based on an assessment of whether the adjustment disorder causes a substantial impediment to employment and whether the individual can benefit from VR in terms of an employment outcome.

4.15 Borderline Intellectual Functioning. This is not an acceptable diagnosis for the purposes of eligibility for VR’s services.

1. Borderline Intellectual Functioning is interpreted as an Intelligence Quotient (IQ) score of 70-79 plus or minus five (5) points standard deviation in testing. If significant adaptive functioning deficits are indicated for those scoring 70-75, it is appropriate to discuss with the psychologist changing the diagnosis to intellectual disability.
2. Individuals diagnosed with Borderline Intellectual Functioning with an IQ score of 76-79 without adaptive functioning deficits would not be eligible for the VR program.

4.16 Intellectual Disability

1. The diagnosis of an intellectual disability shall be made by a psychiatrist, licensed psychologist, or by a licensed school psychologist.
2. The DSM defines the upper range of intellectual disability as an IQ of 70 plus or minus five (5). This means that an individual may be diagnosed as mildly intellectual disabled with an IQ as high as 75 if there are significant adaptive functioning deficits. An individual's IQ can be as low as 65 and not be coded as an intellectual disabled as long as the adaptive functioning is adequate. The lower the IQ, the more probable presence of adaptive functioning deficits.
3. It is reasonable to use an early IQ test score that is less than 65 and evaluation of current adaptive functioning for documentation of an individual's intellectual disability.
4. Further assessments may be conducted after eligibility determination to assist with the IPE planning if necessary.
5. Retesting may be ordered for individuals who have an IQ score of 65 to 75 if the testing was done prior to 9th grade. The individual's adaptive functioning may have improved and intellectual disability diagnostic criteria would not be met as a result.

4.17 Specific Learning Disability.

1. Reports generated by schools in Florida, which document a Specific Learning Disability diagnosis, must meet the Department of Education (DOE) standards (FAC 6A-6.03018).
2. A diagnosis of specific learning disabilities shall be based on testing done in the 9th grade or later using the Wechsler Intelligence Scale for Children (WISC) ages 3 to 16 and/or the Wechsler Adult Intelligence Scale (WAIS) ages 16 and older.

4.18 Hearing Loss

1. **Deafness** means a hearing loss of such severity that the individual must depend primarily upon visual communication such as lip-reading, writing, manual communication and gestures. There is usually a 70 decibel (db) loss or greater in both ears and a speech discrimination score of forty percent (40%) or less in the better ear.
2. **Hard of Hearing** means hearing loss resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication. There is usually a thirty (30) decibel (db) loss in the better ear with speech discrimination below fifty percent (50%).
3. **Assessment.** In all cases of hearing loss, an audiogram shall be obtained. An audiologist licensed or certified in accordance with state laws or regulations must perform the evaluation of the auditory system. Certified audiology assistants under the direct supervision of licensed audiologists may also perform the evaluations.

- a. An ophthalmologic evaluation shall be obtained in all cases of deafness, retinitis pigmentosa, and usher syndrome.
- b. Individuals suspected of having ear disease should be evaluated by a physician skilled in diseases of the ear, e.g. an ENT, Otologist, and/or an Otolarngologist.
- c. **Related References:** Hearing Aid Purchases, Chapter 12, Section 12.05; Interpreter Services/Listening Devices, Chapter 11, Section 11.09; Post Secondary Training – Chapter 13, Section 13.07 and 13.08. For more information on hearing loss, hearing aids, prior approvals, and services to this population, see the [VR's Best Practices Guide on Serving Individuals Who Are Deaf, Late-deafened and Hard of Hearing](#) and [Guidelines on Hearing Loss, the Purchase of Hearing Aids, and Cochlear Implants](#) (Section 12.05(1)).

4.19 Speech Impairments. In cases of speech impairments, diagnosis shall be made by a Speech Language Pathologist.

4.20 Vision Impairments. A vision impairment is a condition resulting in the loss of visual acuity and/or limiting an individual's field of vision. Individuals who meet the definition of "blind" in Section 413.033(1), Florida Statutes, shall be referred to the Division of Blind Services, Florida Department of Education.

Stevens Amendment

The Florida Department of Education, Division of Vocational Rehabilitation (VR) is an equal opportunity employer. It is against the law for VR as a recipient of Federal financial assistance to discriminate against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. The application process used by VR to determine eligibility for services, any subsequent services and the entire VR process are subject to these non-discrimination requirements. Auxiliary aids and services are available upon request to individuals with disabilities. VR program receives 78.7 percent of its funding through a grant from the U.S. Department of Education. For the 2021 Federal fiscal year, the total amount of grant funds awarded were \$176,836,896. The remaining 21.3 percent of the costs (\$47,860,557) were funded by Florida State Appropriations. Revised October 2021.