

A Summary of Your Vocational Rehabilitation Rights: Assistive Technology and Services

A Self-Advocacy Guide

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Federal and state law can change at any time. If there is any question about the continued validity of any information in the handbook, contact the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with a lawyer in your community if you require further information.

- This guide is available in alternative formats upon request.

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A. Introduction to Client Assistance Program (CAP) and this Guide

1. How the Arizona Center for Disability Law's Client Assistance Program Assists VR Clients/Applicants with Disabilities

Sometimes people don't agree with decisions made by agencies. It can often be difficult to solve disagreements without help. The Arizona Center for Disability Law has a program to assist you with your vocational rehabilitation problems. The Client Assistance Program (CAP) offers help to clients and those applying for services under the Rehabilitation Act of 1973, as amended by the Rehabilitation Amendments of 1998. CAP is able to assist you by

- ✓ informing you of available benefits under the Rehabilitation Act;
- ✓ advising you about ways to solve problems with your vocational rehabilitation counselor;
- ✓ providing training on your rights under the Rehabilitation Act; and
- ✓ as appropriate, representing you in negotiations with RSA and RSA service providers, and at administrative reviews, mediation, fair hearings and lawsuits under the Rehabilitation Act.

Information about the eligibility requirements and priorities are available from the Center upon request. Assistance is provided according to program eligibility requirements, priorities and staff availability.

Eligibility: If you are an individual with a disability and are currently a client or applicant for services under the Rehabilitation Act (VR services, independent living services, or services through a VR service provider), contact CAP if:

- ✓ You are denied the right to apply for services;
- ✓ You are found ineligible for VR services and you believe that you should be entitled to services;
- ✓ You have a disagreement about your Individual Plan for Employment (I.P.E.) or a service or decision affecting your IPE;
- ✓ You disagree with the decision by VR to close your case; or you disagree with a decision that you cannot reach an employment goal without Extended Support Services (ESS);

- ✓ You disagree with the decision by VR not to provide a Post Employment Service (PES); or
- ✓ You do not understand your rights or the services available to you under the Rehabilitation Act.

2. This Guide is not a Substitute for Legal Advice

The Arizona Center for Disability Law recommends that you obtain professional legal advice to protect your legal rights in a dispute with RSA. This guide is not a substitute for legal advice. This guide is meant to provide people with disabilities with information and examples about the rights under Title I of the Rehabilitation Act to vocational rehabilitation services.

3. Glossary of Terms

The following is a list of the meaning of numerous words that relate to your VR services and appeal rights. Most of these terms are explained in more detail in this guide or in one of the Center's other guides on VR rights.

Administrative review: An optional informal way to try and solve disagreements with your vocational rehabilitation counselor. The review is conducted by a supervisor that is not directly responsible for the work of your VR counselor or his supervisor. A written decision is issued. If you are not satisfied with that decision, you have the right to request a fair hearing. For more information about this way to resolve disputes, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Extended Evaluation: (See Trial Work Experience). There will be limited circumstances where an individual cannot participate in a trial work experience and in these cases, RSA must conduct an extended evaluation. This evaluation must be consistent with the rehabilitation needs of the individual and must be based on the informed choice of the individual.

Fair Hearing: A formal hearing conducted by an administrative law judge (or hearing officer) to hear and decide disputes between the Rehabilitation Services Administration (RSA) and clients and applicants. For more information about the fair hearing process, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Hearing Officer: An administrative law judge who will conduct the fair hearing and issue a written decision after the fair hearing. For more information about the qualifications and powers of a hearing officer, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Individual Plan for Employment (IPE): A document that is agreed upon by the client and the vocational rehabilitation counselor which states the client's employment goal and the services necessary to reach that goal. For more information about the contents of an IPE, see the Center's guide, *Summary of Your VR Rights: The Individual Plan for Employment*.

Mediation: An informal way to try and resolve a dispute about your IPE with the Rehabilitation Services Administration. A mediation is conducted by an impartial and trained mediator who listens to both sides and tries to help the parties reach an agreement that both can be satisfied. The mediator is not a decision maker. If the mediation is successful, a written mediation agreement is prepared. For more information about mediation, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Personal assistance services: The term "personal assistance services" means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

Rehabilitation Act: A federal law that was passed in 1973 and updated several times, including in 1998, which gives rights to clients and applicants of VR services to reach an employment goal. The Rehabilitation Act outlines the rights of clients and the responsibility of the state in providing vocational rehabilitation services for people with disabilities.

Rehabilitation Services Administration (RSA): The state agency created to provide vocational rehabilitation services to qualified people with disabilities. Sometimes VR and RSA are used to describe the same state agency. (In this guide, RSA will be used to refer to the agency.)

Representative: A friend, family member, advocate, attorney, or person knowledgeable about your rights that assists you at any informal or formal hearing to appeal a dispute with RSA. For more information about your right to have a representative, see the Center's guide, *Your*

Appeal Rights for Disputes about Vocational Rehabilitation Services.

State Reviewing Official: The Director of the Arizona Department of Economic Security who may, upon the request of either party who does not win the fair hearing, review and change the decision of the hearing officer. For more information about when and how a state reviewing official can change a hearing officer's decision, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services.*

Transition services: The term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. These services are primarily the responsibility of the school district, but RSA is a participant where appropriate. For more information about your rights as a student with a disability to receive transition planning and services, see the Center's guide, *Transition Services.*

Trial Work Experience: If there is a question about a client's ability to benefit from VR services, VR must develop a written plan for the purpose of exploring the client's abilities, capabilities, and capacity to perform in a realistic work situation called a trial work experience. This can include supported employment, on-the-job training, and experiences using realistic work settings. The experience must fit the client's abilities and needs and accommodate his/her needs. The outcome of the experience is to either provide evidence that the person can or cannot benefit from VR services in terms of an employment outcome due to the severity of the person's disability.

Vocational rehabilitation (VR) services: Services that are available to a VR client who needs them to reach his/her employment goal on the IPE including, but not limited to, assessment for eligibility, counseling and guidance, training, transportation, interpreters, readers, note takers, telecommunication aids and devices, job placement, job coaching, technology services etc.

Vocational rehabilitation (VR) counselor: An individual assigned to assist you in developing your IPE and obtaining the services necessary to reach the employment goal of your IPE, including vocational counseling.

Written notice: A letter or other written document must provide to a client when RSA closes a VR case or suspends, stops, or reduces a VR service. This letter must also be provided to an applicant when RSA refuses to provide services. See the Center’s guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

4. List of Abbreviations

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| AT: | Assistive Technology |
| ADA: | The Americans with Disabilities Act |
| CAP: | Client Assistance Program |
| IDEA: | Individuals with Disabilities Education Act |
| IPE: | Individualized Plan for Employment (formerly known as IWRP: Individualized Written Rehabilitation Plan) |
| PES | Post Employment Services |
| RSA: | Rehabilitation Services Administration |
| SSDI: | Social Security Disability Insurance |
| SSI: | Supplemental Security Income |
| TWIA: | Ticket to Work Improvement & Incentive Act |
| VR: | Vocational Rehabilitation |
| WIA: | Workforce Investment Act |

B. Commonly Asked Questions About Vocational Rehabilitation (VR) and Assistive Technology (AT) and Services

1. What is AT?

The term “Assistive Technology” (AT) is used to describe devices and services that people with disabilities can use to help themselves achieve their full potential and improve the quality of their lives by increasing functional abilities. AT devices are any item, piece of

equipment or system that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

For individuals with **physical disabilities**, examples of AT devices include but are not limited to:

- ✓ computers
- ✓ special software
- ✓ augmentative communication devices
- ✓ wheelchairs
- ✓ assisted listening devices
- ✓ vision aids
- ✓ special switches
- ✓ artificial limbs and thousands of other commercially available or adapted items.
- ✓ For people with **mental disabilities**, examples include but are not limited to:
- ✓ memory tools
- ✓ organizational aids
- ✓ beepers and audio tapes
- ✓ white sound machines
- ✓ calculators
- ✓ computer software
- ✓ and other commercially available or adapted terms

Josefina has severe arthritis and uses a wheelchair. She is a talented musician and teaches orchestra at several high schools. One of Josefina's duties is to conduct the students' performance on stage. The students in the middle and back cannot see their teacher unless she is on a platform. When they travel to other schools play, Josefina often does not have an elevated place to conduct. Josefina asks for VR to pay for her to get a wheelchair that can change into a standing position. This is an example of AT.

Joann has paralysis and cannot use her arms or legs. She also cannot use her voice due to her disability. She wants to become a drafter and work on designs in an architect's office. She has an employment goal to learn computer aided drafting (CAD) and needs CAD software programming for her home computer and an infrared system to use the software on her computer. These are both AT services.

Richard was born with a deformed left leg. With special braces and an orthopedic shoe, he is able to walk although standing for a long time or walking distances cause him considerable discomfort. He recently graduated from high school and applied for a job at a plant that manufactured electronic components. The duties of the job he is seeking include re-supplying piece parts to 300 assemblers who are working at an assembly line that is approximately 100 yards long. The job requires a lot of walking and a lot of time on your feet. The electric cart is an example of AT that Richard may need.

Minerva has a psychiatric disability. She is on medication which controls her condition fairly well but causes her difficulty with concentrating. She is also distracted very easily. She works in an office and recently has been receiving criticism from her supervisor for not completing her assignments on time and missing some mandatory training classes. Minerva talked to her VR counselor who recommended that she purchase a “white noise machine” that would enable her to block out the background noises in her office. She also suggested that Minerva get a “beeper” that could be preset with times of important activities such as the training classes. These are also examples of AT that RSA may provide.

2. What are AT services?

An AT service is any service that directly assists an individual with a disability to select, obtain and use an AT device. Examples of AT services include:

- ✓ evaluation about needs of a disability, including functional evaluations in the place where the individual will use the AT device;
- ✓ buying, leasing or otherwise providing for an AT device;
- ✓ selecting or designing an AT device;
- ✓ fitting, customizing or adapting an AT device to meet the needs of the AT user;
- ✓ training and technical assistance to people with disabilities about how to effectively use the device; and
- ✓ training and technical assistance to people working with a VR client receiving AT (e.g. parent, aide, attendant, co-worker etc.).

3. Will I need to be evaluated to get approved for AT devices or services?

Yes. Several steps must be completed before RSA can provide any AT devices or services. To get AT devices or services, you need to qualify for VR services. To get VR

services, you must be eligible for the services. In other words, you must have a disability that makes it difficult for you to work and you must need VR services to reach an employment goal. For more information about eligibility, see the Center guide: *A Summary of Your VR Rights: Eligibility*.

Once you are eligible, the RSA will work with you to develop an employment goal, write an IPE, and evaluate your condition to determine the services you need.

In other words, you should not look to RSA as a source for an AT device or service unless you wish to apply for services, develop an employment goal, and plan to reach this goal.

4. If my doctor or health care professional states that I need an AT Device and why, must RSA accept the doctor's opinion?

Not necessarily. A doctor's opinion of whether a person needs an AT device is **an important factor** in deciding whether to approve AT or a particular AT device. Your VR counselor must consider your doctor's opinion and must review the doctor's letter and obtain additional information from your doctor. The doctor should be able to explain why you need an AT device to reach your employment goal. However, RSA may disagree with your doctor's opinion, may not believe your doctor is qualified to evaluate your AT needs, want a different specialist to evaluate you, or believe that your physician has not addressed all of the areas necessary on the evaluation. In that case, RSA can recommend further evaluation. A letter of support from an occupational therapist or Job Coach can also be helpful to show you need an AT device.

5. Will I need to develop an IPE before RSA will provide an AT device or service for me?

Yes. RSA uses the IPE to figure out what services and devices you need to reach your employment goal. Federal law requires that each VR client have an IPE. The law also requires RSA to help you develop your IPE with the advice and assistance of your VR counselor. AT devices and services are just two types of services that may be provided on an IPE to help you reach a goal. There are exceptions to this general rule. Sometimes, a person who is still being evaluated in a trial work experience or an extended evaluation, may need AT to participate in the

evaluation even before an IPE is written. Another exception is if a person is at risk of losing employment.

Lisa is a quadriplegic with limited use of her hands. She is employed as a high school guidance counselor. To perform her job responsibilities, she spends 2 to 4 hours each night, preparing written letters, reports and college recommendations for students. Because Lisa is physically unable to write, she is required to type the documents. The typing in the present method takes too much of her time and causes pain, loss of hand support and muscle spasms. Lisa's doctor and physical therapist have recommended a voice-activated computer system, known as the "Dragon Dictate" system, to help ease the physical discomfort of typing with a single finger and to improve her job performance. Based on these recommendations, RSA may have enough information to agree on voice activated software.

6. May I have more than one AT device or service or is there a limit on AT services?

It depends on your needs. There is no specific limit on AT devices and services that you may receive. There is no minimum or maximum number of AT devices or services which you may receive to reach your employment goal. However, the need for each AT device or service must be made on a case-by-case basis, based on your individual needs. As with any other service on an IPE, providing appropriate AT generally begins with a good, comprehensive assessment. You and your VR counselor must determine whether you need the AT device or service to reach your goal.

William suffers from Multiple Chemical Sensitivity or MCS, which causes numerous physical reactions to chemicals and products common in public places. William was forced to quit his job because of MCS. He applied for VR services to become self-employed. To achieve his employment goal, he requested and received financial assistance from RSA. RSA provided him with several AT devices to assist him including: (1) a computer, modem, and software packages; and (2) technical services to use the new devices. William is receiving more than one AT service and device.

Catalina has a visual impairment. She works as a paralegal for one lawyer. She needs computer software to magnify the text on her screen, a magnifier to look at documents not on her computer, and a tape recorder to tape notes she can later transcribe for use on her computer. The attorney has purchased the magnifier and tape recorder, and RSA approved buying the software and training on how to use the new software. Bonnie is receiving more than one AT service and device.

7. When is RSA required to pay for AT devices or AT services for me?

RSA must provide AT services or devices after you have (1) been found eligible, (2) developed an IPE, and (3) agreed that AT is a necessary service. AT also may need to be provided to you if you need AT to attempt a trial work period or for an extended evaluation. For more information about eligibility, the IPE and VR services you should see the Center's guides: *A Summary of Your VR Rights: The Individual Plan for Employment* and *A Summary of Your VR Rights: Vocational Rehabilitation Services*.

RSA's obligation is to provide you the AT and AT services that you and your counselor have both agreed you need to reach the employment goal in your IEP. This decision is based on a case-by-case decision. In some cases, you may be required to pay for a portion of the AT device. See Question #8 for more information about the financial needs test.

Carol has a mild hearing impairment. Her employment goal is to become as a receptionist, but needs an amplification device to hear callers on the telephone. If Carol's employer will not provide the device, RSA must pay for the device if Carol is a client of RSA.

Jerry lost his right arm in an automobile accident and is unable to drive. He wishes to work as driver for a limousine service and needs the use of a prosthetic device to drive, portable modification, and specialized driver training about driving with these modifications. These are AT services RSA may need to provide.

8. Will I be required to pay for part of the cost of the AT device(s) or service(s)?

No. Although RSA may require that people contribute to some VR services if they do not have financial need, rehabilitation technology services which includes AT is not a service for

which RSA considers financial need. This information is based on a state policy. That policy is attached to this guide in the Appendix.

9. Does RSA have to customize AT devices bought off the shelf for me?

Yes, if customizing the AT is necessary for you to reach your employment outcome.

There are some AT devices that need to be fitted in all situations and, in those cases, VR must arrange for the AT to be fitted or customized. For example, hearing aids have to be fitted for the person who is wearing the aid. Orthotics or prosthetic devices always have to be fitted or customized to be used by each individual. Other AT devices can be purchased and used “off the shelf.” If the AT you need can be purchased “off the shelf” and doesn’t necessarily require customizing or fitting, then it will depend on whether you need it to be customized to meet your specific employment goal.

One example of AT that can be used “off the shelf” is computers. Computers can be purchased from the store without a “fitting.” Many people with disabilities will be able to use that computer without any modifications. However, some people because of their disability may need a software program to magnify the print on the screen, voice activated software, or a mouse that can be operated with an infrared light. In those situations, RSA will likely be required to “customize” the computer. This is true for other types of AT that can be purchased at the store, but need changes to make it usable by a person with a disability.

However, if you want the equipment “customized” to merely make it more comfortable or easier for you to use, then RSA may not be required to make those changes to your equipment. For example, if you want to add a mouse instead because it is easier for you to use, then RSA may not have to provide this for you.

10. Is RSA required to provide training for me about how to use an AT device?

Yes. If RSA provided the device, then RSA must also train you to use the device if you do not already know how to use the device. For example, if RSA provided you with a computer, then RSA must also provide training on how to use the computer, if you need training. Another example is if RSA provided you with a prosthetic arm or leg, then RSA would also have to

provide the therapy needed to learn how to use the device. If a family member or other person is required to assist you with your AT device, then RSA must also train that person. For example, if RSA provided you with a van that had a lift to get your wheelchair in and out and you needed a family member or other person to operate the lift, then RSA would also have to provide training for those people to know how to operate the lift.

Susan has an injury to her voice box. She cannot talk; she also has mental retardation. She works on a crew with other people with mild mental retardation. She needs to be able to communicate with her supervisor when she needs a break, has a question, needs help, wants to leave the work site etc. RSA offers to have a speech therapist work with Susan to make a communication notebook that will include communication required at work. RSA will also likely have to provide speech therapy to teach Susan how to use it and help her job coach understand how it can be used at work.

11. Is RSA required to buy the AT device I prefer?

It depends. The purpose of the federal rehabilitation law is to help individuals with physical and mental disabilities prepare for, obtain, and maintain employment. Once it has been determined by you and your VR counselor that you need an AT device or service, then a decision has to be made about the appropriate device for you. Your choice of devices is an important factor for RSA to consider. However, it is not the only factor. Cost is a factor. RSA is not required to buy the most expensive device if a less expensive device will be effective in helping you reach your goal. If you prefer one device and your counselor is not agreeing with the device of your choice, you can appeal the decision. See the Center's guide: *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

12. Is RSA required to let me choose who will provide me with the necessary AT training?

Yes. You have the right to make an informed choice about who provides you with any vocational rehabilitation service, including but not limited to AT, AT training and other AT services. Your VR counselor must provide you with a written list of service providers who

provide that type of service. You can pick the one you would prefer to go to for the AT or AT training and services. If you do not know any of the names on the list, you can call the provider and ask them questions about their services. You can also ask your VR counselor to provide you with any information that RSA has about the service provider, such as from complaints from clients, consumer satisfaction surveys, and sources of additional information about the service provider. There may be times when there is no choice because the service is so specialized that RSA does not have but one person who provides that service. However, if you know of another qualified service provider you may ask RSA to contact that service provider to see if they will accept the contracted rate for service. Then you may be able to have the provider of your choice.

13. Will RSA be required to pay for an upgrade of the AT device when technology changes?

It depends. Often there are advances in AT. RSA could purchase an AT device for you and before you complete your IPE there may be a better or improved AT device available. RSA is not required to provide the most advanced AT. However, if you need a more advanced AT device to reach your goal you may request that RSA provide you with a different device. Examples of reasons why a more advanced AT device may be needed include, but are not limited to:

- (1) disability changes, and you can no longer use the device you now use;
- (2) job changes, and you have new duties or new production quotas which you cannot do without a different AT device;
- (3) despite an evaluation, you were never able to effectively use the device you were provided; or
- (4) you need a change to your AT device for it to be effective, and replacement is cheaper than further modification.

There are certain AT devices that are constantly advancing. If you need an AT device in an area which is subject to advance, you may prefer to ask RSA to lease the device rather than purchase the AT device. You could request that the lease agreement include a provision to allow you (with VR's approval) to turn in your AT device for upgrades.

Elena is a young woman who has had difficulty reading small print because of her eye disease. She has been able to keep her job as a bookkeeper with the help of a large magnifying glass that allows her to read numbers on checks. Because her vision has gotten worse, she was fearful of losing her job until she learned of a new assistive technology (AT) device called a closed circuit television (CCTV). The CCTV is a large television screen that projects an enlarged picture of the small print on the checks and that would allow Elena to continue in her work. Elena informed her employer about her need for the closed circuit television but her employer was not able to afford the cost. Elena is not able to afford the cost of the CCTV on her salary. Elena is a former VR client. Elena may contact RSA and seek an upgrade in her AT either by opening a new case or seeking a Post Employment Service (PES).

14. May I keep the AT device after I reach my employment outcome on my IPE?

Probably. Once your eligibility for vocational rehabilitation services is established, RSA will require, if needed, that you write an Individual Plan for Employment (IPE) with your counselor's assistance and approval. Based on your specific employment and rehabilitation needs, this written plan may include special Assistive Technology (AT) devices and services. To keep the device, your IPE must state that the device will be needed after your employment goal has been reached. If your IPE is already written and does not include this information on your original IPE, the IPE can be amended or changed.

If you have met your employment goal through the vocational rehabilitation (VR) program, you may require additional services to keep your job or to find other employment in the event that your job ends. Sometimes you may require additional services to advance to the level that reflects your strengths, interests, resources, willingness, abilities, and capabilities. If you have required an AT device to perform your work, then you may be able to keep that device if you can show that the device is necessary to keep, to regain, or to advance in your job. In most cases, clients are able to keep the AT devices but each case must be decided on an individual basis. The following examples may clarify under what conditions you may be allowed to keep the device even after your employment goal is reached.

David has been affected by paralysis from the neck down and requires care in an assisted living apartment. He uses a motorized wheelchair for transportation. Recently, David has completed vocational rehabilitation training and re-entered the job market as a computer programmer. Because David cannot use his hands and arms, he requires a special Assistive Technology (AT) device in the form of a voice-activated computer with light-activated control panel to perform his job. David works out of his home office from his assisted living apartment where he has attendant care. This computer system has been specially modified to suit his needs. David and his counselor listed the need for this device and the vocational rehabilitation services to continue after he became employed, as part of his IPE.

15. Will RSA pay for a new device if mine is lost or stolen?

The federal and state law that covers VR services does not specifically address this issue. However, federal law does require RSA to provide necessary AT devices and services. If your AT device is lost or stolen, then you no longer have use of the necessary device. Therefore, it is CAP's position that RSA must replace the device. However, if you have been careless with your device or lost more than one device, RSA may attempt to refuse to provide additional AT or close your case for lack of cooperation. You can always appeal a decision not to replace a lost device.

RSA buys a special laptop computer for you to use in your new job. Sometimes you take the laptop home with you to finish up the day's work. You forget it on the bus one evening when you go home. It is never turned in or found. Does VR have to purchase you a new laptop? It will be up to that agency to look at all the facts and determine if it is "reasonable" or not. However, their decision may be appealed.

Joe is a paraplegic who is in college to get a social work degree to become a substance abuse counselor. RSA paid for a custom wheelchair for Joe. One day while Joe was in the hospital for a related surgery, his wheelchair was stolen. If the hospital will not pay for the wheelchair, RSA may need to provide another wheelchair. RSA can always seek repayment by the hospital.

16. Will RSA buy me a personal computer?

RSA will buy you a computer in certain circumstances, and if you meet certain qualifications. In any case, a personal computer must be part of your Individualized Plan for

Employment (IPE), and you must have been determined to have economic need.

There are two different types of computers available from RSA. There is a basic computer and a specialized computer. A basic computer is one that is not customized in any way, one you could get from any store; and a specialized computer is one that is adapted to meet your unique needs. You may be eligible to receive one of these computers depending on your situation. To receive a basic computer, you must either: (1) have an approved business plan which is part of your IPE, and the IPE includes an agreement to purchase you a computer, or (2) you need a computer for a job and your employer would not normally provide you a computer to use. Another reason RSA may provide a computer is if you need a computer to be successful in your education or training program, but one is not available at school or in the community.

There may be other reasons why you may need a basic computer as part of your IPE. If you have questions about your rights, call CAP.

Cara has a learning disability in reading. She is studying accounting. As a part of her class work, she has to prepare spreadsheets using computer software. At her community college, there is a lab with computers that can be used for two hours at a time. Cara does not need specialized software to do this work. Cara has not had problems using the lab computers as needed. Cara would prefer the convenience of a home computer, but in this situation, RSA may not be required to provide the computer.

Erin has depression and an anxiety disorder. She received training from RSA to become an on-line salesperson. Erin must answer e-mails from clients and prospective clients. The job requires her to work at home and to have her own computer. She works on a commission. The employer will pay for the internet connection. If Erin wants a computer to pursue this position, this is a good reason for RSA to include it on her IPE.

Jose is a VR client studying Business Management. He is quadriplegic. He cannot use his hands to operate a computer keyboard. He needs voice recognition software to use a computer. Jose cannot use the computer lab at school to do his reports because he needs specialized software and training on the voice recognition software so that it will work when he talks. This would be an example of a reason why Jose would be entitled to a computer and computer software as part of his IPE.

17. What guidelines does RSA use to approve computers or computer software?

Here are some specific guidelines that RSA uses to decide whether a person needs a computer:

Students who need a computer for success in school and can show that

- (1) they are required by the school to use a computer;
- (2) there is no computer available through the school or at home; or
- (3) the available computers do not meet the student's needs because of his/her disability.

This includes people who need computers to compensate for a disability to reach their employment goal, for alternative mode of communication, such as e-mail, and for long distance learning required because of a disability.

Alberto has Post Polio Syndrome which causes him to tire easily. After about four hours of study, he must rest for several hours. Albert lives in a rural location and the nearest school is about a two-hour drive from his home. He is taking most of his required classes through distance learning and needs a computer for study and the preparation of assignments. In this case, RSA should approve a computer for Albert.

If you want RSA to provide you with a personal computer and you do not fall into any of the above guidelines, you should call CAP to determine if you may be entitled to a personal computer.

RSA also provides specialized computer hardware and software to add to a personal computer required because of a disability.

Here are some examples of specialized computer equipment that may be provided by RSA:

- ✓ Optical character recognition systems and scanners
- ✓ Braille displays
- ✓ Braille printers
- ✓ Screen magnification software
- ✓ Screen readers
- ✓ Computer voice input systems

- ✓ Electronic note takers
- ✓ Specialized or adapted keyboards
- ✓ Special computer monitors

Terry was a secretary before she developed carpal tunnel syndrome. She now has permanent restrictions on how much time she should spend typing without a break. She is getting training in customer services. She needs to use an adapted keyboard. There is a computer for each student taking the course. RSA may purchase an adapted keyboard which Terry can use at work.

RSA can also provide a basic computer to use with the specialized equipment if

- (1) you do not have a computer;
- (2) the computer is needed to accommodate your disability; and
- (3) it is better to buy an integrated system.

If you are a client who needs specialized equipment and a basic computer and either one has been denied by RSA, contact CAP for advice. The bottom line is, if you can prove that you need the computer and/or specialized adaptive equipment to reach your employment outcome in your IPE, RSA is required to provide it.

Erica got a job with a small auto repair shop (five employees). Her job will be as a bookkeeper and parts inventory control specialist. She must use a computer to accomplish her job. The shop has a computer but she needs special hardware (larger monitor) because of her visual impairment and print magnification software. She has been determined to have an economic need. The employer is not covered by the ADA because it is so small. In this case, RSA should pay for the monitor and magnification software with the understanding with her employer that Erica can take this AT with her when she leaves.

18. Once I begin working, does my employer have an obligation to provide me with AT devices and services as an accommodation under the ADA?

If you work for an employer covered by the Americans with Disabilities Act and are a qualified individual with a disability you may be entitled to a reasonable accommodation. Your employer must also know about your disability. AT devices may be considered a “reasonable accommodation” under certain circumstances.

Tami is a receptionist with a moderate hearing impairment. She uses a hearing aid but also needs a telephone amplification device to hear callers. If her employer is covered by the ADA, the employer will probably need to purchase the device under the ADA because telephone amplification devices are generally very inexpensive.

If you need a work related accommodation for your disability, ask your supervisor for a form to request an accommodation. If no form is available, use a memorandum like the one in the Appendix of this guide.

If an accommodation would cause an undue hardship on the operation of the employer's business, then no accommodation may be required. Examples of undue hardship include:

- ✓ Providing an accommodation that is too expensive;
- ✓ Providing an accommodation that is too disruptive to the operations of the workplace; or
- ✓ Lowering quality or production standards.

There are limits on an employer's duty to accommodate. An employer is generally NOT obligated to provide personal items as accommodations, such as wheelchairs, eye glasses, or hearing aides. However, there may be exceptions to this rule.

Joe has severe juvenile rheumatoid arthritis. At home he does not use a wheelchair because his apartment is small and he limits walking by paying for shopping and personal services. At work, he is required to travel extensively to inspect facilities throughout a large factory. His employer may be required to provide a power wheelchair or motorized scooter at work even though this would generally be considered a personal device.

Here are some tips for requesting an ADA accommodation

- ✓ Inform your employer of your need for an ADA accommodation in writing.
- ✓ Use a form from your employer (if available) or an individually written request like the memorandum above.
- ✓ Date your request and keep a copy.
- ✓ Make a specific accommodation request.
- ✓ If you know of several reasonable and effective accommodations, make a list of

alternative accommodations.

- ✓ If you are unsure about an effective accommodation, look to outside resources for assistance, such as the Job Accommodation Network (JAN). Information about JAN and other resources can be found in the Center's guide, *The ADA and Reasonable Accommodations*. There are situations where VR and the employer may share the costs of the accommodation.

Mixail has lost his right arm in a car accident. With the help of a prosthetic device he obtains a job as a construction foreman and requires its continued use so that he can retain his job. This is the type of assistive technology Mixail should be able to keep after his case closes.

19. Can RSA lawfully require me to return an AT device?

RSA provides that each service must be sufficient in amount, duration, and scope to reasonably achieve its purpose. In most cases, however, clients are allowed to keep the rehabilitation technology after the employment goal has been achieved and the case has been closed. When it is in the best interests of the client and RSA to continue to allow the client to use an AT device, RSA will generally permit the client to keep it. Although RSA needs to provide only those services required to achieve a client's employment goals, most people are allowed to permanently keep their Assistive Technology devices. In some cases, RSA will require participants to sign an "equipment contract," stipulating that in the event of termination or achievement of employment, the device must be returned to RSA. These contracts are the exception and not the rule.

Justin has muscular dystrophy and requires a specially customized wheelchair for his mobility needs. Another person's required use of this specific wheelchair design is highly unlikely.

Also some AT may actually be "tools" needed by clients to reach their employment outcome of self-employment. In those cases, the "off the shelf" AT could also be kept.

C. Protect Your Rights

For many VR applicants, the process goes smoothly without any problems. However, if any of the following happens to you, you should call CAP for advice or get other legal advice if:

- ✓ You are denied an AT device that you need to reach your employment outcome.
- ✓ You are denied the amount of AT service needed to reach your employment outcome.
- ✓ You are denied an AT service unless you pay for it and you cannot afford the service.
- ✓ You are required to wait for an AT service or device from another agency that could provide it, and this is delaying your rehabilitation.
- ✓ RSA and another agency disagree about who should pay for a vocational service and you are caught in the middle.
- ✓ RSA terminates, reduces, or suspends your AT service without proper written notice.
- ✓ You are not given a choice of AT service providers.
- ✓ You are not given information about your choices for service providers.
- ✓ Any other problems related to AT services.

D. Other Legal Services Offered by the Center

The Arizona Center for Disability Law helps people with disabilities in these types of problems:

- ✓ Preventing and remedying abuse and neglect of individuals in mental health facilities, nursing homes, community provider residences and schools;
- ✓ Ensuring appropriate discharge planning from mental health facilities and access to appropriate mental health services;
- ✓ Enforcing the right to a free appropriate public education for children with developmental disabilities;
- ✓ Advocating for the right to appropriate health care, assistive technology and other services for individuals with disabilities;

- ✓ Remediating housing discrimination against individuals with disabilities under the Fair Housing Act; or
- ✓ Remediating discrimination by enforcing the Americans with Disabilities Act including:
 - advocating for a greater accessibility to public places, businesses and governmental offices and services;
 - promoting integration and equality in public services and programs; and
 - employment rights for individuals with disabilities

The Center provides the following types of services:

- ✓ Information on legal rights.
- ✓ Representation of individuals in negotiations or in administrative proceedings and court.
- ✓ Investigation of incidents of abuse and neglect.
- ✓ Impact litigation to remedy systemic problems.
- ✓ Technical assistance to groups and individuals on disability-related legal issues.

APPENDICES

A-1: Tips for Obtaining the AT and Services You Need

- 1) Remember, you are your own best advocate. Learn all you can about your disability, your rights, your options, and what assistance is available to meet your employment goals. CAP can provide you with training guides and legal advice about your rights.
- 2) Gather information on your own with your VR counselor's assistance. When considering any AT device or service, it is recommended that you make informed choices. Learn all you can about your specific needs, about the technology that is available today, and about potential sources of funding. Obtaining and looking at lots of information will help you make the best decision for your particular situation. See the resources about assistive technology in the Center's guide, *The ADA and Reasonable Accommodations*.
- 3) You might consider learning about AT devices from the companies that manufacture the products.
- 4) Talk to specialists, such as a physician, orthotic specialist therapist or rehabilitation engineer about your disability and your needs for their suggestions.
- 5) Don't hesitate to also search for alternative sources of funding. There are numerous organizations that earmark funds for AT devices and services to specific groups of people or for specific reasons. See the list of resources in A-4 in this Appendix section. Find them and explain why your particular needs and goals deserve some funding consideration.
- 6) If helpful, use the form letter at A-2 in this Appendix section to help you acquire information from manufacturers.

A-2: Letter Requesting Information from a Manufacturer

[Date]

Name of Manufacturer

Address

RE: Information on AT Devices and Services

Dear _____:

I am a client/applicant of the Rehabilitation Services Administration. My current disability is _____.

My employment objective is _____.

I am interested in receiving information on any of your Assistive Technology (AT) devices and services specifically _____ and any other AT devices and services that would be relevant to my particular disability. Please send me any available informational literature along with a current price list.

Thank you for your cooperation and timely response.

Sincerely,

Name of Client or Applicant

Address

Telephone #

A-3: Memo Requesting ADA Accommodations from Employer

TO: (Your supervisor)

FROM: (Your name)

RE: Americans with Disabilities Act Accommodation Request

DATE: (Date of request)

The company employs me as a _____. I need an accommodation(s) to be able to perform my job duties because of a disability. I have the following condition: _____
. This condition affects me in the following way(s): _____.

Based upon my experience with my disability, I believe I need the following accommodation(s):
_____.

I would like to meet with you to discuss an accommodation plan that would include this/these accommodation(s) or other effective accommodations.

If you need any medical documentation regarding my condition or the need for accommodations, please let me know. Please keep this request and any subsequent medical documentation confidential as required by the ADA.

Please respond to this request by _____, 2000.

A-4: Other Potential Sources for AT Devices/Services

Government

- Arizona Health Care Cost Containment System (AHCCCS)
- Individuals with Disabilities Education (IDEA) Act
- Children's Rehabilitation Services
- DES/Division of Developmental Disabilities
- Medicare
- Social Security Plans for Achieving Self-Support (PASS)
- Arizona Long Term Care System (ALTCS)
- Industrial Commission Fund
- Technology-Related Assistance for Individuals with Disabilities Act (Tech-Act)
- Veterans' Administration
- Medicaid
- The Children with Special Health Care Needs Program (CSHC)
- CHAMPUS
- Public Schools and Universities

Private

- employers
- insurance companies
- service organizations
- churches
- other disability and support organizations

A-5: Sample Letter from Therapist, Physician or Other Professional Requesting Assistive Technology

Date

VR Counselor:

Re: Request for AT/AT Services Name of Client

Dear (name of Vocational Rehabilitation Counselor)

Paragraph One: Introduction

One or two sentences describing the devices requested and why they are needed. Identify any supporting documents as enclosures (AT professional evaluations, letters of medical necessity, brochures, price quotations, and any other information about the device).

Paragraph Two: Information About the Client

Provide information needed to familiarize the decision-maker with the situation and request for AT. Include any or all of the following, as appropriate:

1. Name, age, sex, and diagnosis
2. Current school or employment
3. Current housing status (where, with whom s/he lives, need for personal assistance, etc.)
4. Physician and hospital
5. The anticipated clinical course and duration of the patient's condition
6. Functional limitations
7. AT history
8. Description of the current equipment being used and expected needs in the future

Paragraph Three: Equipment Requested

Give a detailed description of the devices and services requested. Discuss the expected length of time the equipment will be utilized and the benefits the device will have upon the client's search for employment. Describe the client's previous experiences with using such devices.

Discuss why other devices and services are not recommended, including less expensive ones. Emphasize the client's need to obtain AT technology to complete his/her job, and why it is not being used for more than mere convenience. Consider addressing the following issues; as applicable:

1. Is the device or service needed for effective communication?
2. Is the device or service cost effective in safety and prevention of further injury?
3. Is the device or service needed to increase functional limitations?
4. Will the device or service allow the client to function more independently at work?
5. Will the device or service reduce the client's dependency upon the RSA for present and future funding?

Mention the potential for modifications which would permit the long-term use of the device. Describe the cost of the device, and why that particular vendor was chosen.

Paragraph Four: Support Services

After expressing your appreciation to the agency (RSA) for its time and consideration in reviewing the request, identify whom the agency may contact for additional questions and information.