



Summary of Vocational Rehabilitation Rights: Individualized Plan for Employment (I.P.E.)

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 the Client Assistance Program (CAP) and this Guide

1. How the Arizona Center for Disability Law's CAP 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 Rehabilitation Services Administration (RSA) and RSA service providers and at meetings with you and VR staff, 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 services and you believe that you should be provided the services;
- ✓ You have a disagreement about your Individualized Plan for Employment (I.P.E.) or a service or decision affecting your I.P.E.;
- ✓ You disagree with the decision by VR to close your case;
- ✓ You disagree with the decision by VR not to provide a Post Employment Service (P.E.S.); 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.

Extended Evaluation: (See Trial Work Experience). There will be limited circumstances where an individual can not 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 that works for the Arizona Department of Economic Security Office of Appeals who will conduct the fair hearing and issue a 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*.

Mediation: An informal way to try and resolve a dispute about your I.P.E. 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 in which 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. (In this guide, RSA will be used to refer to the agency.)

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 can be a partner where appropriate. For more information about your rights if you are a student in high school, 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 can not 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 I.P.E. 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 I.P.E. and obtaining the services necessary to reach the employment goal of your I.P.E., 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 Acronyms

AT:	Assistive Technology
ADA:	The Americans with Disabilities Act
CAP:	Client Assistance Program
IDEA:	Individuals with Disabilities Education Act
I.P.E.:	Individualized Plan for Employment
RSA:	Rehabilitation Services Administration
SSDI:	Social Security Disability Insurance
SSI:	Supplemental Security Income

TWWIA:	Ticket to Work/Work Incentives Improvement Act
VR:	Vocational Rehabilitation
WIA:	Workforce Investment Act

B. Commonly Asked Questions about the Individualized Plan for Employment (I.P.E.)

1. What is an I.P.E.?

The Individualized Plan for Employment (I.P.E.) is a plan that lists your specific employment goal, outlines the services RSA will provide and the steps you need to take to achieve your employment goal. An I.P.E. is developed after RSA finds you eligible for vocational rehabilitation services.

2. Who writes the I.P.E.?

You write your own I.P.E. with the help of your counselor (if you want his/her help.) Even if you want your counselor's help, your active participation is required. **The I.P.E. must be approved by your counselor before any services can begin.** If you do not know what you want to do as your employment outcome, the I.P.E. development is the end result of discussions between you and your counselor regarding vocational options and the services you will need to obtain and maintain employment. A copy of a blank I.P.E. is attached at the end of this guide.

3. What must be in my I.P.E.?

- a. *The specific employment outcome, chosen by you, consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice;*

Employment outcomes may include employment in the competitive market, part-time employment, self-employment or supported employment.

Teresa wants to become self-employed as a court reporter and do freelance work for courts and law offices. She needs a flexible job to help manage stress because of a psychiatric disability. Becoming self-employed as a court reporter is one example of an appropriate employment outcome.

Amad is quadriplegic. His employment outcome is to obtain supported employment as a graphic designer. Because of his quadriplegia, he will need an attendant at work during breaks, lunch, and to drive him to work. He will need supports not provided by the employer, and this is another example of an acceptable employment outcome.

Danielle has strong math skills and wants to be employed as a certified Microsoft engineer. She is blind.

b. The specific VR services you need to reach your employment outcome;

In our example above, Danielle would need training related to her employment goal. Such training can include tuition at an appropriate school, books and supplies, a computer with voice output software. Once training is completed, Danielle may also require job development services to assist her in obtaining employment.

c. Intermediate objectives to reach your goal;

In Danielle's case, passing each course are examples of intermediate objectives.

d. the time line for when service will begin and for when the employment outcome should be reached;

In Danielle's case, the training required to become a certified Microsoft engineer may be six months, beginning in September and ending in February. However, when necessary to accommodate an individual's disability, time lines may be extended. For instance, Danielle's disability may result in her needing extra time and help to complete the course. Therefore, she may need one year to complete her training.

e. The service provider, chosen by you, to provide the VR services and how the services will be obtained;

CompUvoice, a vendor of voice output software and Eastbrook Computer Training Institute, which offers certificates in Microsoft engineering are examples of service providers that might be listed on Danielle's I.P.E.

f. the criteria for determining when you have achieved the employment outcome.

Danielle's completion of course work, graduation, and ultimately obtaining a job.

- g. RSA's responsibility to provide comparable benefits. Other agencies responsibility to provide comparable benefits;*

If Danielle is a veteran, she may be eligible for some services through the Veteran's Administration. Some of her tuition may be covered under the G.I. bill.

- h. if you have a significant disability, any extended support services you will be provided;*

Danielle may need a job coach to provide specialized on-the-job training once she obtains a job because her company may not know how to train her to use the assistive technology she needs to do her job.

- i. an explanation of your rights and the means by which you may seek a remedy for dissatisfaction, including the availability of:*
1. The Client Assistance Program; and
 2. Mediation

Keep in mind that VR clients have the right to make choices about who provides services. Informed choice is your right to be treated as an equal partner with your vocational rehabilitation counselor; to receive comprehensive information that will allow you to choose your employment goal; and to fully and actively participate in the planning and decision-making throughout the I.P.E. process.

4. How is an I.P.E. developed?

I.P.E. development begins with an assessment of your "unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."

- ✓ To the greatest extent possible, such an assessment must be based on available data or records.

John uses a wheelchair. He recently graduated from high school. During high school, he maintained a B+ grade point average. The likelihood that John will successfully complete college is established by his high school grades. I.Q. testing is not necessary to determine his intellect.

- ✓ When data is necessary to complete a comprehensive assessment, your VR counselor may obtain new information through the use of medical/psychological evaluations; occupational interest surveys, and assistive technology appraisals. For more information about your rights related to evaluations, see the Center's guide, *Summary of Vocational Rehabilitation Rights: Evaluations*.

Sarah is visually impaired and requires large print information. She wants to become an accountant, but there is a concern that she will not be able to read the small print on her client's documents. Sarah's counselor may provide Sarah with an assistive technology evaluation to see whether software magnification programs or a closed circuit television may magnify documents large enough for Sarah to read and review efficiently.

You and your counselor discuss your choices for employment goal, services, and intermediate steps.

- ✓ If you need additional information to make an informed choice, your counselor either provides the information or assists you in finding the information.

5. How do I resolve disagreements about my I.P.E. that come up between my counselor and me?

Once the necessary data has been gathered and reviewed, you can develop your own I.P.E. (with your counselor's assistance, if desired). At times, you and your counselor may disagree about certain elements included on your I.P.E. For example, you and your counselor may disagree on:

- ✓ your chosen employment goal;
- ✓ what services are necessary to assist you in achieving your employment goal
- ✓ how much service is to be provided; or
- ✓ what service provider will provide the service.

Always remember that YOU HAVE RIGHTS!!! You have the right to appeal any determination by VR you are dissatisfied with. For a comprehensive discussion of your appeal rights, please refer to the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

6. Once the I.P.E. has been written and services have begun, can the I.P.E. ever be changed?

Yes. Changes (known as amendments) may be made to the I.P.E. as necessary to change the desired employment outcome, intermediate objectives and required vocational services. These changes must be agreed to by you and your counselor. Any I.P.E. changes must be put in writing and both you and the counselor must sign and date the changes. If you and your counselor cannot reach an agreement about a change, you have the right to appeal the refusal to change the I.P.E. However, it is usually better to state your ultimate employment outcome at the beginning of the I.P.E. process rather than agree to a lower goal to achieve before reaching your ultimate goal. For example, if you want to be a lawyer, your employment outcome should be to become a lawyer. Don't agree to go to a paralegal school first and if you are successful and then return to RSA for assistance to go to law school. It may be more difficult to get a new plan written or the old plan amended.

7. Can I receive a copy of my I.P.E.?

Yes. You must be provided a copy of the I.P.E. and all changes made to the I.P.E. in your native language or format that is most accessible to you (e.g. Braille). If you have not been provided a copy, you should request a copy now.

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 legal advice if:

- ✓ RSA does not allow you to write your own I.P.E.;
- ✓ Your counselor writes an I.P.E. without your participation;
- ✓ RSA does not agree with your employment outcome;
- ✓ RSA will not agree to a self-employment plan;
- ✓ RSA will not provide you with necessary services to develop a self-employment plan;
- ✓ RSA will not agree to supported employment as an outcome;
- ✓ You disagree with the services offered by RSA;
- ✓ You disagree with the service provider RSA offers to provide;

- ✓ You cannot get a copy of your I.P.E. from your counselor;
- ✓ Your VR services do not begin when your I.P.E. indicates they should;
- ✓ Your I.P.E. does not contain all the necessary parts; or
- ✓ You have other concerns regarding your I.P.E.