

OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 582 DEPARTMENT OF HUMAN SERVICES VOCATIONAL REHABILITATION SERVICES

FILED

10/30/2025 4:06 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Update Vocational Rehabilitation OAR 582-070-0020 Specific rules (academic and vocational training; selected policies)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/05/2026 5:00 PM

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

CONTACT: Robin Brandt
503-507-5226
VR.Policy@odhsoha.oregon.gov

ODHS Vocational Rehabilitation
500 Summer Street NE, E-87
Salem, OR 97301

Filed By:
Robin Brandt
Rules Coordinator

HEARING(S)

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

DATE: 11/24/2025

TIME: 2:00 PM - 3:00 PM

OFFICER: Robin Brandt

REMOTE HEARING DETAILS

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

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 16124385285

SPECIAL INSTRUCTIONS:

Passcode: 744987

CART and an ASL interpreter will be available at the hearings.

Go to this survey <<https://forms.office.com/g/zpkZQCwT5Y>> to submit comments, suggestions or concerns about these rules any time.

Accommodation: Everyone has a right to know about and use ODHS|OHA programs and services. ODHS|OHA provides free help. Some examples of the free help ODHS|OHA can provide are sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need help or have questions, please contact Robin Brandt at (503-507-5226), 711 TTY, VR.Policy@odhs.oregon.gov as soon as possible before the meeting.

DATE: 12/05/2025

TIME: 11:30 AM - 12:30 PM

OFFICER: Robin Brandt

REMOTE HEARING DETAILS

MEETING URL: Click here to join the meeting

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 16124385285

SPECIAL INSTRUCTIONS:

Passcode: 744987

CART and an ASL interpreter will be available at the hearings.

Go to this survey <<https://forms.office.com/g/zpkZQCwT5Y>> to submit comments, suggestions or concerns about these rules any time.

Accommodation: Everyone has a right to know about and use ODHS|OHA programs and services. ODHS|OHA provides free help. Some examples of the free help ODHS|OHA can provide are sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need help or have questions, please contact Robin Brandt at (503-507-5226), 711 TTY, VR.Policy@odhs.oregon.gov as soon as possible before the meeting.

NEED FOR THE RULE(S)

The Oregon Department of Human Services Vocational Rehabilitation (VR) proposes to update outdated rules regarding vocational rehabilitation services for eligible individuals with disability-related barriers to employment.

The primary focus of this rule change is academic and vocational training. A recent challenge by a program participant through the dispute resolution process led a hearing officer to find that the current rule did not specify the procedure for determining a participant's financial contribution to such training programs. As a result, VR is required to revise the rule to include this information.

VR revised the process and trained staff to use this method to assist individuals with academic or vocational training as part of their individualized plan for employment to be ready for the beginning of the fall enrollment period.

Other specific services also included in this rule were reviewed, updated and revised to reflect current federal and state regulations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Section 101(a)(5)(A) of the Rehabilitation Act of 1973

<Contact for information.>

34 CFR PART 361—STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

<<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361>>

34 CFR § 361.5(c)(5) Applicable definitions

<[https://www.ecfr.gov/current/title-34/part-361#p-361.5\(c\)\(5\)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(5))>

34 CFR § 361.48(b)(6) Services for individuals who have applied for or been determined eligible for vocational

rehabilitation services

<[https://www.ecfr.gov/current/title-34/part-361#p-361.48\(b\)\(6\)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(6))>

Technical Assistance Center for Quality Employment. Fact Sheet On-the-Job Training in Vocational Rehabilitation: The Basics. No year.

<https://tacqe.com/wp-content/uploads/eri-files/QE-factsheet_on-the-job-training.pdf>

Oregon Vocational Rehabilitation - Rules and Regulations <<https://www.oregon.gov/odhs/rules-policy/Pages/vr-rules.aspx>>

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

This is the racial inequities discussion in the July 28, 2025, rule advisory committee.

The rule committee members had these comments or questions when discussing the racial inequities of the rules.
Questions from rule advisory committee members

Decisions about academic funding and equity

Questions from the rule advisory committee members were:

- How does the program prevent subconscious bias when:
 - o Assessing whether or not a participant gets higher education funding or not?
 - o When the VR counselor considers suitability?
 - o How does the Program assure consistency throughout [the delivery of services) and be more objective?
- When providing an advance degree to a participant, the rule mentions that supervisor or branch managers are required to approve the participant's individualized plan for employment. The member asked if there are safeguards to prevent disproportionate negative impact for individuals who are BIPOC seeking advanced degrees. How does the program assure a population is not subject to denials? How does the Program remove subjectivity from that as much as possible?

Response:

Vocational Rehabilitation provides and requires training on bias on at least an annual basis. There are many other opportunities to engage in training about types of bias and understand how to better serve persons with disabilities each year. Many of the program staff are also engaged in equity committees to provide time to examine vocational rehabilitation policy and practice.

Each participant's individualized plan for employment relates to their situation as required by federal regulations. The Program's is:

Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency. (34 CFR 361.1)

The individualized plan for employment is an agreement between the participant and the counselor. If the participant has a problem or disagrees with a decision about VR services, they are encouraged to talk to their counselor or the VR branch manager. Many problems can be solved this way. If the participant needs more help, they have options depending on the situation. Dispute resolution is available. See Vocational Rehabilitation Complaints or Problems on the public website <<https://www.oregon.gov/odhs/vr/Pages/complaints.aspx>> .

Equity and quality assurance:

The State Plan for Vocational Rehabilitation (Oregon Vocational Rehabilitation, State Plan for 2024-2028, revised 6/14/2024, p. 8 <<https://www.oregon.gov/odhs/providers-partners/vr/Pages/publications.aspx>>) notes the Program's commitment to formalize statewide comprehensive quality assurance. File review will occur to ensure adherence to policy. Reviews will be conducted at the local branch level and at a statewide level.

Another part of quality assurance and equity is to examine data to determine who is participating in services and identifying that data may not be available to determine equity. Some data has been requested and added to this report. The Quality Assurance team will consider further exploration of data with respect to academic and occupational or vocational training services.

Education reports and racial inequity

Reports that provide information about inequities related to academic and vocational training are available. A recent survey study reports issues related to participating in colleges and universities for "prevalent among students with structurally marginalized identities and those who have the greatest trouble accessing and affording higher education" and is summarized below.

Hope Center 2023-2024 Student Basic Needs Survey Report

The Hope Center 2023-2024 Student Basic Needs Survey Report surveyed students in 91 colleges and universities across 16 states and resulted in 74,350 survey participants. It begins the reporting stating that "59% of students experience at least one form of basic needs insecurity."

- 48% experience housing insecurity
- 41% experience food insecurity
- 14% experience homelessness

Further, "Consistent with prior Hope Center surveys, we find that basic needs insecurity is particularly prevalent among students with structurally marginalized identities and those who have the greatest trouble accessing and affording higher education, including part-time students, Pell Grant recipients, Black and Indigenous students, students with disabilities, former foster youth, and those who have been involved in the carceral system. For example, nearly 75% of Black and Indigenous students who completed our survey report facing at least one form of basic needs insecurity related to food and/or housing², compared to 55% of White students—a 20 percentage point gap." [emphasis added]

Quoting from the report, "The Hope Center defines students' basic needs "security" comprehensively as safe, secure, reliable, and adequate access to:

- nutritious and sufficient food;
- housing;
- physical, mental, and reproductive health and health care;
- internet and technology;
- transportation;
- personal hygiene products;
- child care;
- and other essential resources." (page 11)

The link between student basic needs security and persistence is unequivocal:

- 44% of students experience clinically significant symptoms of anxiety and/or depression

- 57% of respondents who had previously stopped out (stopped attending college without completing a credential and subsequently re-enrolled) reported they did so because of mental health issues.
- 69% of students with disabilities experience basic needs insecurity related to food and/or housing— 13 percentage points higher than students without disabilities (56%).
- 52% of Pell Grant recipients experience food insecurity— 17 percentage points higher than non-Pell Grant recipients (35%).

Reference:

The Hope Center 2023-2024 Student Basic Needs Survey Report. (February 26, 2025). The Hope Center for Student Basic Needs at Temple University.

Oregon Vocational Rehabilitation academic and occupational or vocational training data

Rule advisory committee members asked about Vocational Rehabilitation support for academic or occupational or vocational training.

Vocational Rehabilitation is a short-term employment assistance program with limited funds. The program participants are required to seek, apply and use comparable services and benefits if available (34 CFR 361.5(c)(8)).

Baseline line information about financial contribution by participants to their academic or occupational or vocational training is reported below. Limitations to the data use are also noted.

Three of the tables are provided here that show data about individuals who participate in academic or occupational or vocational training. (Reference: date request 8/11/2025.) It was reviewed in the rule advisory committee meeting on Oct. 13, 2025.

Table 1: Program year 2024 - number of individuals in individualized plan for employment (IPE) who provided financial contribution to their academic or occupational or vocational training services

Individual in IPE who contributed to the financial cost of services and participated in:	
Graduate College or University Training - individual contributed yes = 9, individual did not contribute =	33
Four-Year College or University Training - individual contributed yes = 9, individual did not contribute =	83
Junior or Community College Training - individual contributed yes = 13, individual did not contribute =	375
Occupational or Vocational Training - individual contributed yes = 13, individual did not contribute =	407
Did not receive any post-secondary services - individual contributed yes = 213, individual did not contribute =	7,035

Table 2: Program year 2024 - number of individuals in an individualized plan for employment (IPE) who receive SSI or SSDI benefits and academic or occupational training services

Persons in an IPE who receive SSI or SSDI at application and participate in:

Graduate College or University Training, yes =	8
Four-Year College or University Training, yes =	21
Junior or Community College Training, yes =	86
Occupational or Vocational Training, yes =	94

Note: The same VR client may be counted in more than one of these four different education-training service categories in the same program year (PY). The individuals receiving SSI or SSDI benefits are precluded (34 CFR 361.54(b)(3)(ii)) from contributing to the financial cost of their services.

Table 3: Program year 2024 number of individuals in an individualized plan for employment (IPE) who provided financial contribution to their post-secondary or occupational or vocational training services by race and ethnicity

White

Graduate College or University Training - Individual had financial contribution to services- Yes = 7, No = 23
Four-Year College or University Training- Individual had financial contribution to services- Yes =5, No = 58
Junior or Community College Training- Individual had financial contribution to services- Yes =9, No = 231
Occupational or Vocational Training- Individual had financial contribution to services- Yes =7, No = 246

More than One Race

Graduate College or University Training - Individual had financial contribution to services- Yes = 2, No =2
Four-Year College or University Training- Individual had financial contribution to services- Yes =3, No = 12
Junior or Community College Training- Individual had financial contribution to services- Yes = 3, No =50
Occupational or Vocational Training- Individual had financial contribution to services- Yes =2, No = 46

Black / African American

Graduate College or University Training - Individual had financial contribution to services- Yes = 0, No =3
Four-Year College or University Training- Individual had financial contribution to services- Yes = 0, No = 1
Junior or Community College Training- Individual had financial contribution to services- Yes = 0, No = 13
Occupational or Vocational Training- Individual had financial contribution to services- Yes = 0, No = 11

Hispanic / Latino

Graduate College or University Training - Individual had financial contribution to services- Yes = 0, No = 0
Four-Year College or University Training- Individual had financial contribution to services- Yes = 0, No = 2
Junior or Community College Training- Individual had financial contribution to services- Yes = 0, No = 16
Occupational or Vocational Training- Individual had financial contribution to services- Yes = 0, No = 20

American Indian / Alaskan Native

Graduate College or University Training - Individual had financial contribution to services- Yes = 0, No = 0
Four-Year College or University Training- Individual had financial contribution to services- Yes = 0, No = 0
Junior or Community College Training- Individual had financial contribution to services- Yes = 0, No =12
Occupational or Vocational Training- Individual had financial contribution to services- Yes = 0, No = 12

Asian

Graduate College or University Training - Individual had financial contribution to services- Yes = 0, No = 1
Four-Year College or University Training- Individual had financial contribution to services- Yes = 0, No = 3
Junior or Community College Training- Individual had financial contribution to services- Yes = 0, No = 8
Occupational or Vocational Training- Individual had financial contribution to services- Yes = 0, No = 9

Native Hawaiian / Pacific Islander

Graduate College or University Training - Individual had financial contribution to services- Yes = 0, No = 0
Four-Year College or University Training- Individual had financial contribution to services- Yes = 0, No = 1
Junior or Community College Training- Individual had financial contribution to services- Yes = 0, No = 2
Occupational or Vocational Training- Individual had financial contribution to services- Yes = 0, No = 0

FISCAL AND ECONOMIC IMPACT:

The Vocational Rehabilitation program (Program) assists individuals who are determined eligible and have disability related barriers to employment to find, get, and keep employment, and advance in their career. The vocational rehabilitation services are individualized and, in some cases, may include academic or vocational training to reach that employment outcome.

The federal government made changes to the 2025 Free Application for Federal Student Aid (FAFSA) application. FAFSA revised their calculation process, which includes a shift from an expected family contribution (EFC) to student aid index (SAI). Both terms are a calculation of the amount of the support that the family could be expected to contribute to the cost of education.

The new FAFSA calculation did not result in a reduction in VR support. The overall impact was minimal. Individuals with high expected family contribution (EFC) now have a high student aid index (SAI). The Program's calculation has always included the contribution of family support.

For most individuals served by the Program, there was an impact when the PELL grant was allowed to be used for cost of attendance (COA) other than tuition, fees, books, supplies and transportation. (Cost of attendance is the amount it will cost a student to go to school.) This decision was only in effect for one year. When that decision was reverted to using the PELL for the cost of attendance (COA) items, many participants were unhappy. (For information about the current use of PELL grants and cost of attendance see <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2025-2026/vol7/ch2-calculating-pell-grants>.)

The Program calculation has historically used Free Application for Federal Student Aid (FAFSA) in support calculations for students. Staff familiar with this process state that Program support has increased over the years due to a number of factors.

Through the Program's dispute resolution process, it was evident that this process of determining the student contribution was unclear to the student. OAR 582-070-0020 have been changed to better define and describe the process of how VR determines the student contribution.

Other services listed in OAR 582-070-0020 have been amended so that they are better defined and described so that Program participants know what the Program can support or provide as services in the individualized plan for employment.

There is no anticipated impact from this rule change to any governmental agency or any new impact to individuals seeking Program support.

There is no apparent impact to small businesses due to changes in these rules. Most private career schools are not Free Application for Federal Student Aid (FAFSA) eligible.

The rule advisory committee did not have comment on the fiscal and economic impact except to note that different types of training programs were included in the rule.

COST OF COMPLIANCE:

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

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

The Vocational Rehabilitation program (Program) assists individuals who are determined eligible and have disability related barriers to employment to find, get, and keep employment, and advance in their career. The vocational rehabilitation services are individualized and, in some cases, may include academic or vocational training to reach that employment outcome.

The federal government made changes to the 2025 Free Application for Federal Student Aid (FAFSA) application. FAFSA revised their calculation process, which includes a shift from an expected family contribution (EFC) to student aid index (SAI). Both terms are a calculation of the amount of the support that the family could be expected to contribute to the cost of education.

The new FAFSA calculation did not result in a reduction in VR support. The overall impact was minimal. Individuals with high expected family contribution (EFC) now have a high student aid index (SAI). The Program's calculation has always included the contribution of family support.

For most individuals served by the Program, there was an impact when the PELL grant was allowed to be used for cost of attendance (COA) other than tuition, fees, books, supplies and transportation. (Cost of attendance is the amount it will cost a student to go to school.) This decision was only in effect for one year. When that decision was reverted to using the PELL for the cost of attendance (COA) items, many participants were unhappy. (For information about the current use of PELL grants and cost of attendance see <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2025-2026/vol7/ch2-calculating-pell-grants>.)

The Program calculation has historically used Free Application for Federal Student Aid (FAFSA) in support calculations for students. Staff familiar with this process state that Program support has increased over the years due to a number of factors.

Through the Program's dispute resolution process, it was evident that this process of determining the student contribution was unclear to the student. OAR 582-070-0020 have been changed to better define and describe the process of how VR determines the student contribution.

Other services listed in OAR 582-070-0020 have been amended so that they are better defined and described so that Program participants know what the Program can support or provide as services in the individualized plan for employment.

There is no anticipated impact from this rule change to any governmental agency or any new impact to individuals seeking Program support.

(2) Effect on Small Businesses:

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

There is no apparent impact to small businesses due to changes in these rules. Most private career schools are not Free Application for Federal Student Aid (FAFSA) eligible.

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

The Program process for determining support and services for participants engaged in academic or vocational training remain the same. There is no anticipated reporting, recordkeeping and administrative activities and costs required to comply with the rule.

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

Program staff have updated forms and provided training related to the academic and vocational training. There are no professional services, equipment supplies, labor and increased administration required to comply with the rules.

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

Vocational Rehabilitation had previously contacted the Oregon Research Association (ORA). Oregon Research Association coordinates an organization of rehabilitation programs many that serve Vocational Rehabilitation participants through contracts with the VR program.

ORA is the statewide network that represents, supports, and advocates for members as they partner with families and individuals with intellectual and developmental or other disabilities to lead full and inclusive lives. Rehabilitation organizations pay to join the organization and receive services (meaning information related to their rehabilitation work, networking, professional development and training, among other benefits). The cost varies depending on the size and corporate structure of the organization.

Vocational Rehabilitation requested assistance to engage with ORA members to review rules and comment on the possible fiscal impacts of the rules reviewed. Several of the ORA members originally contacted continued to participate in OAR 582 Division 100 rule review also participated in OAR 582-070-0020 rule advisory committee meetings on July 28 and October 13, 2025.

Vocational Rehabilitation also has an open invitation on the Vocational Rehabilitation Rules and Regulations website <<https://www.oregon.gov/odhs/rules-policy/Pages/vr-rules.aspx#regulations>> seeking rule advisory committee volunteers that has attracted vendors and community members to join the rule advisory committees.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 582-070-0020

RULE SUMMARY: The following summary describes changes proposed for the permanent rules.

- Academic and vocational training: Information about these services is the first section of the rule. The rule more clearly states:
 - o Training services are essential and necessary to achieve the employment outcome specified in the individualized plan for employment.
 - o Training must adequately prepare the participant for occupations that customarily require a certificate, licensure, or degree in professional, managerial, technical, or related fields.
 - o The range of training options is described.
 - o Participants must make maximum efforts to secure student financial aid or other comparable benefits before the Program approves training.
 - o The Program must evaluate the individual's suitability for the selected vocational goal and related training.
 - o Staff levels of authority to approve this training is described.
 - o Institutional and training programs standards are discussed.

- o Participants must provide documents showing their progress in academic and vocational training programs. They must maintain contact with the Program to address progress and any support needed to assure progress.
 - o Participants must annually apply for financial aid through the Free Application for Federal Student Aid (FAFSA) and any other applicable comparable benefits. The efforts must be shared with the Program.
 - o The rule describes how the Program maximum financial contribution is calculated. Exceptions to this contribution are noted.
 - o Program financial assistance for a participant's academic or vocational training program shall not exceed the cost identified as the public in-state rate. The Program prioritizes support for academic or vocational training at the college, university, or vocational training institution that is geographically nearest to the participant's place of residence. Exception is noted.
 - o Support for study at an out-of-state institution is described.
 - o A listing of services that the Program may not support is provided.
 - o Academic institutions must ensure reasonable accommodations are provided as required by laws and regulations. The Program must inform participants of disability-related services available through the institution's designated office for students with disabilities. It may help the individual access to such services as appropriate.
- On the job training (OJT): On the job training services are updated. Requirements to provide this service are described.
 - Maintenance: A definition of maintenance is provided. The rule has been reorganized for clarity. The section of this rule provides information on services such as clothing, permanent relocation and moving expenses, short-term relocation expenses, payment for lodging and meals if required, and travel and related expenses for personal assistance. Limitations to these services and approval are described.
 - Transportation: transportation cost may be provided if it enables the applicant or eligible individual to participate in required vocational rehabilitation services. Comparable benefits when transportation services are provided are noted. Topics within this section include: mileage reimbursement, short-term reimbursement of vehicle insurance coverage, and limits to routine private vehicle maintenance.
 - Community Rehabilitation Program (CRP) Services: this section requires that services must be provided in the most inclusive setting possible and meet requirements for competitive integrated employment.
 - Personal care assistance: this section notes that these services are provided only on a short-term basis when there are no other alternatives.
 - Interpreter service: the section notes the limitations on these services.
 - Vendor Insurance: this section describes the requirements for this insurance.
 - Occupational Licenses, Tools, and Equipment for Training, Employment, or both: these services may be provided when required when an individual is in individualized plan for employment status. Limitations for payment are described. The process to repurpose returned items is noted.
 - Land, stationary buildings, or real property (2 CFR 200.1 "Real property"): the section notes the Program never purchases real property as a service to an individual. Limitations to modifying existing buildings are described.

- Rehabilitation technology services: the section adds that Program funded services are subject to client financial participation with some exceptions.
- Service animals: this is a new section. Service animals are defined. Other categories of support animals that do not meet this requirement are described. The Program does not support purchase of service or emotional support animals.
- The rules reflect the current names of agencies and programs.
- The rules are updated to spell out acronyms and organize the information, so it is easier to read.

CHANGES TO RULE:

582-070-0020

Specific Policies ¶¶

Specific rules pertain to the provision of the following services:¶¶

~~(1) On-the-Job Training:¶¶~~

~~(a) Payment to on-the-job trainers/employers for training services shall be negotiated at the lowest reasonable level and shall always be considered as reimbursement for actual expenses and/or trainer time; the trainer/employer cannot expect to make a profit from such payments;¶¶~~

~~(b) Offset against an individual's wages shall be negotiated with the trainer/employer on a mutual sharing basis at the lowest reasonable level to adequately pay the individual for his/her productive work efforts with the trainer/employer ultimately paying the entire wage. Total length of the training program and length of OVRs involvement in payments shall be negotiated on the basis of the complexity of the training and the amount of relevant skill and knowledge the individual possesses prior to entering training.¶¶~~

~~(2) Training: Educational and training services, except on-the-job training, must be purchased from public educational organizations in Oregon. Exceptions are authorized only when:¶¶~~

~~(a) No publicly-supported school provides the courses necessary for the individual's needs in order to reach the vocational objective; or¶¶~~

~~(b) The individual cannot utilize publicly-supported schools because of his or her disability; or¶¶~~

~~(c) OVRs's financial participation in the plan is no greater than if the individual had enrolled at the nearest appropriate publicly-supported school; or¶¶~~

~~(d) The net cost to Oregon governmental agencies is significantly less; or¶¶~~

~~(e) The training services for the individual will be significantly delayed.¶¶~~

~~(3) Vocational training: Referrals for vocational training may be made only to the following schools or programs:¶¶~~

~~(a) A school that has accreditation recognized by the United States Department of Education;¶¶~~

~~(b) A school has been approved by the Oregon Student Assistance Commission through the Office of Degree Authorization to offer and confer degrees in Oregon;¶¶~~

~~(c) A community college;¶¶~~

~~(d) A state institution of higher education within the Oregon University System;¶¶~~

~~(e) The Oregon Health and Science University.¶¶~~

~~(f) A career school licensed under ORS 345.010 to 345.450¶¶~~

~~(g) An apprenticeship program that is registered with the State Apprenticeship and Training Council¶¶~~

~~(4) Maintenance: OVRs shall only pay or provide for maintenance expenses consistent with the definition of this term at OAR 582-001-0010(25) and 34 CFR 361.5(b) (35).¶¶~~

~~(5) Clothing Purchases: Clothing purchases may be authorized if the need is a result of participation by the individual in a rehabilitation program and the individual does not possess sufficient financial resources to provide for these expenses. These must be appropriate in type and in a price range, comparable to clothing items normally used by persons engaged in similar rehabilitation, training or employment settings.¶¶~~

~~(6) Transportation Services:¶¶~~

~~(a) OVRs may provide transportation services if the services are necessary to enable the applicant or eligible individual to participate in required rehabilitation services.¶¶~~

~~(b) Selection of transportation services shall:¶¶~~

~~(A) Give preference to the most inexpensive alternative as determined by OVRs; and¶¶~~

~~(B) Take into consideration the circumstances and special needs of the individual.¶¶~~

~~(d) Moving and relocation expenses. OVRs may authorize moving and relocation expenses when the office has determined that it is less costly than having the individual commute for employment or training.¶¶~~

(e) Routine vehicle maintenance. It is the owner's responsibility to maintain a private vehicle. OVRS does not pay for routine costs associated with maintenance of a vehicle. OVRS may make an exception if OVRS determines circumstances justify vehicle maintenance.¶¶

(f) Travel and related expenses for personal assistance. OVRS may provide travel and related expenses for personal assistance services if such services are necessary to enable the individual to travel to participate in a vocational rehabilitation assessment or service.¶¶

(7) Vehicle Insurance: OVRS does not generally pay for vehicle insurance. Oregon law requires insurance to operate a vehicle and it is an ongoing maintenance expense.¶¶

(a) OVRS does not pay for vehicle insurance unless exceptional circumstances necessitate assistance to reduce a transportation barrier. OVRS may authorize full or partial payment only if the office determines auto liability insurance is necessary for participation in vocational rehabilitation services and supports the least expensive transportation option.¶¶

(b) The individual shall be responsible for insurance for a vehicle purchased or modified by OVRS and for insurance on vehicular adaptive equipment.¶¶

(c) If the insurance premium increases, or will increase, OVRS may pay for an increase in the premium for minimum vehicle liability insurance coverage required under Oregon law.¶¶

(d) OVRS may pay for the full premium amount for minimum vehicle liability insurance coverage required under Oregon state law if the office determines that payment is appropriate. OVRS may pay the full premium amount for up to 60 days from the start of employment.¶¶

(e) Authorization of full or partial payment for vehicle insurance requires that:¶¶

(A) Payment for vehicle insurance supports the least expensive transportation alternative for the individual;¶¶

(B) The individual owns the insured vehicle. If the individual is a minor the individual's parents or legal guardians shall own the insured vehicle; and¶¶

(C) The individual, or minor individual's parents or guardians, has a current valid Oregon driver's license.¶¶

(8) Travel: When an individual's travel requires lodging and meals, payment for lodging and meals shall be based on the definition of maintenance under 582-001-0010(25) and shall not exceed the current federal GSA domestic per diem rates for the state in which the lodging occurred.¶¶

(a) The per diem rate used shall be based on the rate for the city in which the individual lodges, or the rate for the city closest to where the individual lodges.¶¶

(b) Unless the individual uses a personal vehicle for the needed transportation, reservations shall be made through the state travel agency.¶¶

(c) If the individual utilizes a service animal, OVRS may provide payment for the lodging of the service animal.¶¶

(d) In those instances in which the federal per diem rate is insufficient to cover the cost of lodging, or the individual has a legitimate need for more costly lodging, payment may exceed the federal per diem rate.¶¶

(9) Community Rehabilitation Programs' (CRP) Services.¶¶

NOTE: Refer also to OAR 582-010.¶¶

(a) State-wide rates are intended to pay only the anticipated cost of standard rehabilitation services. This fee schedule may be adjusted for a specific CRP to reflect non-standard types or levels of service, or statewide for standard service, if a significant increase or decrease in the actual cost of serving individuals occurs.¶¶

(b) For a CRP operated under private auspices, fees may be negotiated taking into consideration costs such as buildings, staffing and equipment. For a publicly owned and operated CRP (e.g., state or county owned or operated) fees, if any, must be based upon and not exceed actual costs.¶¶

(10) Extended Evaluation: OVRS shall provide only those services authorized under OAR 582-050-0005.¶¶

(11) Personal Care Assistance (PCA). A personal care assistant is provided only when necessary to allow an individual to benefit from other rehabilitation services, including assessment, and when the individual is not entitled to PCA services from another source.¶¶

(a) Participant as Employer: The participant, in most cases, as the employer of the personal care assistant may be reimbursed for necessary PCA services required to participate in rehabilitation services;¶¶

(b) Third Party Vendor: Direct payment to the PCA vendor by OVRS requires prior approval in addition to the requirements of Oregon Administrative Rules Chapter 582, Office 10;¶¶

(c) Written Contract: In most instances the individual is to be the employer of his/her own personal care assistant. OVRS may assist the individual to establish an appropriate written contract with the provider.¶¶

(12) Interpreter Service: OVRS provides interpreter service only when necessary to assist the individual to derive full benefit from other rehabilitation services.¶¶

(a) Limitation: To be provided by OVRS only when "comparable benefits" are not available.¶¶

(b) For the Deaf and Hearing Impaired: OVRS gives preference to using interpreters certified by the National Registry of Interpreters for the Deaf and/or one who is on the approved vendor list of the State Association of the Deaf. When deemed mutually acceptable by the individual and the counselor, another interpreter may be utilized;¶¶

(c) Regional Resources: Oregon Deaf and Hard of Hearing Services (ODHHS) may be used as a resource to both individuals and staff for securing interpreters.¶¶

(13) Other Support Services Providers: May be selected for specific skills needed. Where provider licenses, insurance, certificates and state or local codes are indicated OVRs reasonably attempts to assure that appropriate levels are met before authorizing services from the provider. (See OAR 582-080 for additional rules on vendor selection.)¶¶

(14) Vendor Insurance: Providers of services shall obtain and maintain insurance as required by law for that provider; additionally, where OVRs is providing for services, appropriate levels of personal, automobile, professional and general liability insurance may be required, depending on the type of service.¶¶

(15) Private vehicle maintenance is primarily the responsibility of the owner. The office does not pay for insurance or associated expenses such as registration costs. In exceptional circumstances, as determined by OVRs, the office may make an exception.¶¶

(16) Occupational Licenses, Tools and Equipment for Training and/or Employment:¶¶

(a) May be provided when required for either extended evaluation or when an individual is in plan status, including post employment. OVRs accepts no responsibility for individual lease/rental agreements or the leased/rented items other than to reimburse the individual for such prior authorized expenditures;¶¶

(b) Repossessed items shall be used whenever appropriate and available;¶¶

(c) Except for personally prescribed items, title/ownership of an OVRs purchased (or jointly purchased) item is held by OVRs (or jointly with OVRs) until case closure when ownership may be transferred to the individual for non-expendable items deemed by OVRs to be needed for continued success in the individual's program.¶¶

(17) Land and/or Stationary Buildings: Are never purchased by OVRs as a service to an individual. Existing buildings may be modified when necessary to enable an eligible individual to attain a vocational plan goal. No permanent additions or weight bearing partitions are to be erected as services to individuals.¶¶

(18) Rehabilitation Technology Services: May be applied at any time during rehabilitation services to address barriers to the individual's participation in evaluation, training, and employment.¶¶

(a) OVRs shall ensure that rehabilitation technology service providers are qualified in the areas of engineering skills and/or technology required for a given service. Selected Community Rehabilitation Programs' Approvals may include rehabilitation technology services, when State Standards for Approvals are met for rehabilitation technology services;¶¶

(b) Rehabilitation technology services are exempt from a determination of the availability of comparable benefits. All reasonably available comparable services shall be used before authorizing expenditure by OVRs. Personal services contracts for rehabilitation technology services require field services manager approval prior to implementation.¶¶

(1) Definitions:¶¶

(a) Academic training means: Post-secondary education that includes academic classes at an accredited college or university leading to a degree.¶¶

(b) Vocational training refers to:¶¶

(A) Structured instruction, delivered by community colleges, trade schools, technical institutions, or qualified providers, that equips participants with the knowledge and technical skills necessary to perform an occupation. It is intended to prepare individuals for gainful employment in recognized occupations and do not result in academic degree.¶¶

(B) Examples of vocational training include welding, commercial truck driving, certified nursing assistant (CNA), heating, ventilation, and air conditioning (HVAC) technician, and pharmacy technician.¶¶

(2) Academic and vocational training. The Program may authorize training services considered necessary to achieve the employment outcome specified in the individualized plan for employment (IPE). This training is limited to essential training that assists the individual in preparing for, securing, retaining, advancing in or regaining the designated employment outcome. The training must adequately prepare the participant for occupations that customarily require a certificate, licensure, or degree in professional, managerial, technical, or related fields.¶¶

(a) Training services: Training services may encompass a range of options, including academic programs, vocational training, on-the-job training, apprenticeships, and disability-related skill development, provided they align with the participant's identified employment goal as designated in the individualized plan for employment (IPE).¶¶

(b) Maximum efforts: All participants must make maximum efforts to secure student financial aid or other comparable benefits prior to a Program vocational rehabilitation counselor approving training. This includes making timely applications for grants or community resource assistance.¶¶

(c) Assessing the suitability of the job goal and training: The Program's vocational rehabilitation counselor evaluates the individual's suitability for the selected vocational goal and related training. This assessment includes but is not limited to a review of the individual's functional capacities, abilities, aptitude, resources, concerns, and personal preferences, utilizing information gathered through interviews, eligibility determination, and vocational

assessments.¶

(d) Approval levels required for supporting academic or vocational training within an individualized plan for employment (IPE) are as follows. It is the responsibility of the vocational rehabilitation counselor to obtain the necessary approvals prior to including such training in the individualized plan for employment.¶

(A) Public institution within Oregon offering academic or vocational training leading to a certificate, an associate, or a bachelor's degree may be approved by the Vocational Rehabilitation counselor.¶

(B) Private career or vocational training program within Oregon that do not lead to a degree may be approved by the Vocational Rehabilitation counselor.¶

(C) Public institution within Oregon offering a graduate degree such as a master's or doctoral (PhD) degree require a branch manager's written approval.¶

(D) Academic or Vocational programs at an institution outside of Oregon require written approval from the Deputy Director of Direct Services, regardless of the degree or certification level.¶

(E) Academic programs at a private institution (regardless of location) must also obtain written approval from the Deputy Director of Direct Services, regardless of the degree or certification level.¶

(F) Any consideration for supporting room and board must receive approval from the Deputy Director of Direct Services, regardless of the individual's level of degree or certification. This approval is based on the specific disability support needs related to the individual's accessibility requirements.¶

(e) Requirements for institutions and training programs: To meet Program requirements, trainings must meet one of the following standards:¶

(A) Vocational or academic training may be approved solely at accredited and authorized institutions, including community colleges, state universities, and licensed career schools. These institutions must be recognized by the Higher Education Coordinating Commission (HECC), and comply with all applicable accreditation, authorization, and licensing standards.¶

(B) Any online training program considered for Program funding must be recognized by the Higher Education Coordinating Commission (HECC), and comply with all applicable accreditation, authorization, and licensing standards.¶

(C) An apprenticeship program that is registered with the Oregon State Apprenticeship and Training Council.¶

(D) The following trainings are exempt from licensure and authorization by the Higher Education Coordinating Commission (HECC): basic academic, remedial, or literacy instruction; disability-related skills training; job readiness training; miscellaneous training opportunities; on-the-job training (OJT); tutoring; and other goods and services related to training, provided the entity offering the training adheres to industry standards and meets Program vendor requirements.¶

(f) Expectations for participants enrolled in Program funded academic or vocational training:¶

(A) The Program shall establish clear and consistent expectations for all participants engaged in educational or vocational training services. These expectations are intended to ensure that services align with the participant's agreed upon employment goal and are delivered in a manner that supports successful program completion and long-term employment outcomes.¶

(B) Participants receiving Program-funded training services must comply with all expectations as established by the Program. These expectations must be monitored and evaluated on an ongoing basis by the VR counselor or other assigned staff.¶

(C) Expectations include, but are not limited to:¶

(i) Course requirements: Only those courses that are directly required to achieve the employment outcome listed in the individualized plan for employment are eligible for Program funding. Any service of an approved academic or training program that involves additional costs-such as elective courses requiring specialized tools or equipment, or other activities incurring expenses beyond standard tuition and fees-must be reviewed and approved by the Program in advance.¶

(ii) Academic progress: Participants must demonstrate satisfactory progress toward the completion of their academic or vocational training program. The timeline for completion shall be determined by the Program based on the structure of the training program, the participant's individual circumstances, and the requirements necessary to achieve the employment outcome.¶

(iii) Generally, this would be two (2) years for an associate degree and four (4) years for a bachelor's degree. Individuals must be enrolled at least half-time, typically, defined as six credits per term or semester, to maintain eligibility for financial aid at their institution. Any exception to the student attending at least half-time enrollment is addressed with the branch manager.¶

(iv) Grade point average (GPA): Participants must maintain a cumulative GPA adequate to meet or exceed the academic and professional standards required for their designated field of study. This includes maintaining eligibility for federal financial aid, avoiding academic probation, and meeting the minimum academic criteria for entry into programs with competitive admission standards. In cases where no specific industry standard has been identified, participants must maintain a minimum cumulative GPA of 2.0 to remain eligible for continued Program

funding.¶¶

(v) Measurable skill gains (34 CFR 361.155(a)(1)(iv)) and credential attainment (34 CFR 361.155(a)(1)(v)): Participants are required to demonstrate measurable skill gains and actively work towards the attainment of credentials as outlined in their individualized plan for employment (IPE). The participant must provide appropriate documentation to the Program to ensure that these skill gains and credential achievements are properly tracked.¶¶

(g) Contact requirements for participants enrolled in training: The Program is required to establish regular check-ins with participants pursuing academic or vocational training, tailored to the individual's needs, in order to address any issues that may impede progress toward the completion of their program. More frequent contact may be required as deemed necessary by the Program.¶¶

(h) Financial aid and comparable benefits: All participants seeking Program support for academic or vocational training are required to apply for financial aid each academic year. This includes completing the Free Application for Federal Student Aid (FAFSA) each academic year. They must seek any other applicable comparable benefits for which they may be eligible.¶¶

(A) These applications must be submitted as soon as they become available through Free Application for Federal Student Aid (FAFSA) or the relevant entity, but no later than the designated deadlines set by Free Application for Federal Student Aid (FAFSA) or any other applicable entities.¶¶

(B) Participants must pursue and use comparable benefits, including grants and community resources prior to the Program providing funding for educational costs, including tuition, fees, books, supplies and transportation. Participants who have been offered the Oregon Promise Grant must use this benefit. The participant shall seek comparable benefits at the earliest possible stage during the individualized plan for employment (IPE) development process.¶¶

(C) In instances where the selected training institution does not offer federal financial aid, the Program must document the exploration of available comparable benefits and evaluate alternative institutions that offer federal financial aid, to ensure enrollment at a non-financial aid eligible institution is justified.¶¶

(D) All participants, including those in pursuit of a master's degree or higher or known to be in default on student loans, must apply for Free Application for Federal Student Aid (FAFSA).¶¶

(E) Participants who are in default on student loans shall not be eligible for Program support for training at institutions that offer federal financial aid.¶¶

(F) Individuals who received a federally determined Total and Permanent Disability Discharge must complete the Free Application for Federal Student Aid (FAFSA) application and must utilize any financial aid awards outlined in their award letter.¶¶

(G) If a duplicate payment arises due to the timing of Program support and financial aid is dispersed, the participant must promptly notify the Program when aware of the duplication. Upon such notification, the Program shall take immediate action to adjust projected payments, recover the duplicate funds, or both.¶¶

(i) Understanding and calculating Program maximum financial contribution: The Program shall use the VR Financial Aid Calculation Worksheet to determine the maximum financial contribution available to a participant.¶¶

(A) This worksheet must be completed for each academic year or whenever there is a change to the participant's financial aid package.¶¶

(B) All information used in the calculation must be current and taken from the participant's accepted financial aid award letter issued by the institution the individual attends.¶¶

(C) The results of this calculation shall update the individualized plan for employment (IPE) with accurate financial information. The calculation is based on data obtained from the Free Application for Federal Student Aid (FAFSA) and the financial aid information from the specific institution of attendance. The Program's formula aligns with the federal financial aid process and incorporates the Student Aid Index (SAI).¶¶

(D) To determine the Program's maximum financial contribution, the Cost of Attendance (COA) at the institution the individual attends shall be reduced by the Student Aid Index (SAI), financial aid awards, and any expenses not allowable under Program policy. The resulting amount represents the Maximum VR Contribution and shall not exceed the total Cost of Attendance.¶¶

(i) Examples of financial aid awards include but are not limited to: Federal Pell Grant (PELL), Federal Supplemental Education Opportunity Grant (FSEOG/SEOG), Oregon Opportunity Grant (OOG).¶¶

(ii) Any individual who has been determined eligible for, and is currently receiving, Social Security benefits under Title II (Social Security Disability Insurance - SSDI) or Title XVI (Supplemental Security Income - SSI) of the Social Security Act are exempt from any financial contribution toward services outlined in the individualized plan for employment (IPE). When completing the VR Financial Aid Calculation Worksheet for such individuals, the Program shall exclude the Student Aid Index (SAI) from the financial contribution calculation.¶¶

(iii) Mandatory participant contributions identified through the Financial Needs Test (FNT) are not used to calculate the Program's maximum contribution for academic or vocational training, nor applied to any other part of the individualized plan for employment (IPE).¶¶

(E) After completing the VR Financial Aid Calculation Worksheet, the Program may authorize funding for

allowable educational expenses, including tuition, fees, books, required supplies, and transportation, up to the Maximum VR Contribution, but not exceeding the established Cost of Attendance.¶

(F) Participants are responsible for reporting all financial contributions toward the Cost of Attendance (COA) to the institution's Financial Aid Office (FAO). The Program shall not be held responsible for any over-award situations that may result from the inclusion of the Program's financial support.¶

(G) The Program shall continue to utilize data derived from the Free Application for Federal Student Aid (FAFSA) and the financial aid information provided by the institution the individual attends to assess its financial contribution. In the event of changes to federal financial aid terminology or methodology, the Program maintains consistency in its process by relying on the most current financial information made available through the Free Application for Federal Student Aid (FAFSA) and institutional sources.¶

(i) Allowable academic and vocational training costs: The Program's financial assistance for a participant's academic or vocational training program shall not exceed the cost identified as the public in-state rate. The Program prioritizes support for academic or vocational training at the college, university, or vocational training institution that is geographically nearest to the participant's place of residence.¶

(A) When no publicly supported school offers a comparable program necessary to reach the employment outcome, the Deputy Director of Direct Services must review documentation and grant exception to:¶

(i) Participant attendance at an out-of-state or private educational institution; or,¶

(ii) Participant attendance at an out-of-state or private educational institution and waive the in-state payment rate requirement.¶

(B) Any request for housing support, regardless of the participant's degree or certification level, shall require prior written approval from the Deputy Director of Direct Services.¶

(i) Approval of housing support shall be granted exclusively on the basis of substantiated disability-related accessibility needs.¶

(ii) This requirement ensures uniformity in the application and administration of housing-related supports across all Program participants statewide.¶

(C) If a participant elects to study at an out-of-state institution, enrolls in a private institution, or is not an Oregon resident, the Program shall determine the maximum contribution based on a comparable public in-state program.¶

(i) To complete the Program VR Financial Aid Calculation Worksheet, the Program must identify a comparable in-state program offered at a public institution geographically closest to the participant's residence that aligns with the established selected employment goal.¶

(ii) The Cost of Attendance for the identified comparable program shall serve as the basis for the financial aid calculation and must be obtained from the institution's official website or Financial Aid Office.¶

(k) Disallowed training services:¶

(A) For participants who are employed, the Program shall not develop or fund academic or vocational training that is available through the employer's staff development programs.¶

(B) For current high school students and students enrolled in a secondary transition program, the Program shall not provide academic or vocational training services that are available through the secondary school system, as these services are considered comparable benefits.¶

(C) Under no circumstances, including supervisory pre-approval, shall the Program make student loan payments for a participant.¶

(D) The Program shall not authorize or provide funding for training-related expenses including entertainment expenses, such as fees for social activities and social organizations; memberships; memberships in fraternities and sororities; student loan fees; traffic infractions; fees to join professional organizations; and Institution fines. These are often included in the financial award letter as miscellaneous costs or other educational expenses.¶

(I) Academic accommodations: Academic institutions must ensure reasonable accommodations are provided in accordance with applicable laws and regulations. The Program shall inform participants of the availability of disability-related services through the institution's designated office for students with disabilities and facilitate access to such services as appropriate.¶

(3) On the job training (OJT)¶

(a) On the job training (OJT) refers to training in specific occupational skills provided directly by an employer at a worksite. In order to establish on-the-job training (OJT), the participant must be formally hired by the employer. This does not include general onboarding activities.¶

(b) The on-the-job training must occur in an integrated, community-based setting.¶

(c) The Program may authorize on-the-job training when it is determined that training at a worksite is the most appropriate means of preparing the individual for an employment outcome. The on-the-job training must be consistent with the participant's individualized plan for employment and supported by informed choice.¶

(d) The VR counselor and participant, in coordination with the employer, shall determine the appropriate period of the training. The VR counselor negotiates up to 50% of wages for which the Program provides reimbursement. A

formal, written agreement must be completed by the Program and signed by the participant, VR Counselor, and the employer prior to the start of the on-the-job training (OJT). This agreement shall detail the terms, conditions, and expectations of the training. The employer is required to:

(A) Provide workers' compensation coverage for the participant; and

(B) Submit monthly progress reports to the VR counselor to document the participant's advancement toward skill acquisition as defined in the agreement.

(C) The Program shall use an authorization for purchase (AFP) to reimburse an employer for wages paid to a participant. Payment is not made until the monthly report, invoice, and payment to participant (pay stub) is submitted.

(4) Maintenance: The Program shall only pay or provide for maintenance expenses consistent with the definition of this term.

(a) Maintenance means:

(A) Monetary support provided to an individual for expenses, such as food, shelter, and clothing;

(B) That are in excess of the normal expenses of the individual; and

(C) That are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs; or

(D) The individual's receipt of vocational rehabilitation services under an individualized plan for employment. (34 CFR 361.5(c)(34))

(b) Clothing: Clothing purchases may be authorized if the need is a result of participation by the individual in a vocational rehabilitation program and related to the individual's employment outcome.

(A) The cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities.

(B) These must be appropriate in type and in a price range, comparable to clothing items normally used by individuals engaged in similar rehabilitation, training, or employment settings.

(c) Permanent relocation and moving expenses.

(A) The Program may authorize payment up to \$3,500 for the permanent relocation of a participant, or a participant and family, when a move is necessary for the individual when there is a job offer of employment that requires a permanent relocation.

(B) Included in this category are one-time expenses for deposits and other relocation expenses.

(d) Short-term shelter expenses to support assessment or vocational training.

(A) Short-term shelter costs are required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of an individual's home.

(B) The Program may authorize short-term shelter expenses above and beyond regular daily expenses when the Program has determined that it is less costly than having the individual commute to participate in assessment or participate in vocational training.

(C) These employment or training services must not be available in their immediate area of their residence.

(D) This may not apply to students who relocate to attend academic training. (See OAR 582-070-0020(2)(j).) (Reference the CFR 34 CFR 361.5 (c)(34).)

(e) When an individual's travel requires lodging and meals, payment for lodging and meals shall be:

(A) Based on the definition of maintenance under 582-070-0020(4)(a) and

(B) Shall not exceed the current U.S. General Services Administration (GSA) domestic per diem rates for the state in which the lodging occurred.

(C) The per diem rate used shall be based on the rate for the city in which the individual lodges, or the rate for the city closest to where the individual lodges.

(D) In the event, an individual needs an airline ticket, reservations shall be made through the Department Director's Office to purchase airline tickets.

(f) Travel and related expenses for personal assistance.

(A) If a participant cannot participate in the training or services without the assistance of the personal assistant, the Program may provide travel and related expenses for personal assistance services.

(B) The personal assistant may travel with the participant if such services are necessary to enable the individual to travel to participate in a vocational rehabilitation assessment or service.

(5) Transportation

(a) Transportation services:

(A) The Program may provide transportation services if the services are necessary to enable the applicant or eligible individual to participate in required vocational rehabilitation services.

(B) Selection of transportation services shall:

(i) Give preference to the most inexpensive alternative as determined by the Program; and

(ii) Take into consideration the circumstances and special needs of the individual.

(C) Comparable benefits must be examined before funding is approved. The Program must select the most cost-

effective transportation option that meets the participant's needs. (See 582-070-0025(2)(e)).

(b) Mileage reimbursement: The Program uses a program-established rate of client mileage reimbursement if the participant is provided transportation service in their individualized plan for employment. The Program shall reimburse transportation costs based first on:

(A) Published rates for public transportation in local metropolitan areas, and

(B) Averaging the Internal Revenue Service (IRS) standard mileage rates for the "Business" and "Moving/Medical" categories.

(C) The Program updates the rate annually each January based on federal guidelines.

(c) Vehicle insurance:

(A) Oregon law requires insurance to operate a vehicle, and it is an ongoing maintenance expense.

(B) The Program generally does not purchase insurance for a participant. Should extenuating circumstances exist, the Program may approve reimbursement to a participant for insurance premiums for a vehicle.

(i) The participant can safely own and operate the vehicle.

(ii) The participant possesses a valid driver's license.

(C) Approval must be made in writing by the branch manager.

(D) Approval must occur for a limited duration and must be reviewed on a monthly basis. Insurance is reimbursed for a total of no more than six months; and

(E) Reimbursement shall not be in excess of the minimum coverage required by the laws of this State. (See OAR 582-070-0025(6)(c)).

(d) Routine private vehicle maintenance.

(A) It is the vehicle owner's responsibility to maintain a private vehicle.

(B) The Program does not pay for routine costs associated with maintenance of a vehicle. Routine maintenance may include vehicle tune-ups, car wash, oil change, title and registration, detailing, tires, repairs, or other such costs to maintain a vehicle.

(C) The Program may make an exception for repair if it determines circumstances justify vehicle repair. (See OAR 582-070-0025.)

(6) Community rehabilitation program (CRP) services

(a) State-wide rates are intended to pay only the anticipated cost of standard rehabilitation services.

(b) Services must be provided in the most inclusive setting possible and meet requirements for community integrated employment.

(7) Personal care assistant. A personal care assistant on a limited term basis is provided only when necessary to allow an individual to benefit from other vocational rehabilitation services, including assessment, and when the individual is not entitled to personal care assistant services from another source.

(8) Interpreter service. The Program provides certified and licensed disability related interpreter service:

(a) Only when necessary to assist the individual to derive full benefit from other vocational rehabilitation services.

(b) Limitation: To be provided by the Program only when comparable benefits and services (34 CFR 361.5(c)(8)) are not available.

(9) Vendor insurance:

(a) Providers of services shall obtain and maintain insurance as required by law for that provider.

(b) Additionally, the Program must assess that the appropriate level of insurance is provided given the service. The Program must provide a risk assessment as required by law and rule for each provider to determine minimum insurance requirements.

(10) Occupational licenses, tools, and equipment for training, employment, or both:

(a) May be provided when required when an individual is in individualized plan for employment status. The Program accepts no responsibility for individual lease or rental agreements or deposits or the leased or rented items other than to reimburse the individual for such prior authorized expenditures.

(b) Repossessed items or items returned to the Program shall be used whenever appropriate and available.

(c) Except for personally prescribed items, title or ownership of a Program purchased or jointly purchased item is held by the Program (or jointly with the Program) until case closure when ownership may be transferred to the individual for non-expendable items deemed by the Program to be needed for continued success in the individual's program.

(11) Land, stationary buildings, or real property (2 CFR 200.1 "Real property"):

(a) Are never purchased by the Program as a service to an individual.

(b) Existing buildings may be modified when necessary to enable an eligible individual to attain a vocational plan goal only to overcome a disability related barrier to employment.

(c) No permanent additions or weight bearing partitions are to be erected as services to individuals.

(12) Rehabilitation technology services: May be applied at any time during rehabilitation services to address disability related barriers to the individual's participation in evaluation, training, and employment:

(a) The Program shall ensure that rehabilitation technology service providers are qualified in the areas of engineering skills, technology, or both as required for a given service. Selected Community Rehabilitation Programs' Approvals may include rehabilitation technology services when State Standards for Approvals are met for rehabilitation technology services.¶¶

(b) Rehabilitation technology services are exempt from a determination of the availability of comparable benefits and services.¶¶

(A) All reasonably available comparable services shall be used before authorizing expenditure by the Program.¶¶

(B) Except as expressly exempted, services funded by the Program are subject to client financial participation. Individuals shall be required to contribute financially as set forth in OAR 582-070-0030. The contribution requirements apply for individuals submitting applications for services and for annual individualized plan for employment (IPE) reviews.(See OAR 582-070-0030(2))¶¶

(13) Service animals:¶¶

(a) Definitions:¶¶

(A) A "service animal" under the Americans with Disabilities Act and defined as an assistance animal means a dog, miniature horse, or other animal designated by administrative rule that has been individually trained to do work or perform tasks for the benefit of an individual.¶¶

(B) Emotional support, therapy, comfort, or companion animals are not considered service animals under the Americans with Disabilities Act. Emotional support, therapy, comfort, or companion animals are not trained to do or perform work or a task for the benefit of a person with a disability.¶¶

(b) Vocational Rehabilitation (VR) does not support the purchase of service animals or emotional support animals.¶¶

(c) If the individual utilizes an assistance animal or an assistance animal trainee, as defined OAR 839-006-0345(1)-(2), the Program may provide necessary fees to allow the assistance animal or assistance animal trainee to travel with the participant.

Statutory/Other Authority: ORS 344.530

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