

**Commission  
for  
Rehabilitation Services  
March 14, 2016 Regular Meeting  
Department of Rehabilitation Services  
3535 NW 58th Street, Suite 200  
Oklahoma City, OK 73112**

**State Of Oklahoma  
Commission for Rehabilitation Services**

**Oklahoma Department of Rehabilitation Services  
3535 NW 58<sup>th</sup> Street, Suite 200  
Oklahoma City, OK 73112**

**Monday, March 14, 2016, 10:30 am  
Regular Meeting**

Lynda Collins – Commission Chair  
Steve Shelton – Commission Vice Chair  
Jack Tucker – Commission Member  
Carol Brown – Commission Assistant

- |    |   |                      |
|----|---|----------------------|
| 1. | Call to Order and Roll Call                   | Commission Chair     |
| 2. | Statement of Compliance with Open Meeting Act | Commission Assistant |
| 3. | Introduction of Guests                        | Commission Chair     |
| 4. | Public Comments                               | Public Audience      |

**Reports**

- |    |  |  |
|----|--|--|
| 5. | Director's Report with possible Commission discussion. Director's report includes Selection of Interim Disability Determination Division (DDD) Administrator and Oklahoma School for the Blind (OSB) Superintendent; Meetings; People with Disabilities Awareness Day 2016 and update on national search for OSB Superintendent. | Noel Tyler, Interim DRS Director       |
| 6. | Financial Status Report with possible Commission discussion. The presentation includes FY16 Summaries.   | Kevin Statham, Chief Financial Officer |

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|-----|--|--|
| 7.  | Personnel Activity Report with possible Commission discussion: The presentation will include the status of filled and vacancy positions by division; all separations by division for the previous month; and current Full Time Employment (FTE) status.  | Goli Dunkle,<br>MSD Administrator        |
| 8.  | Vocational Rehabilitation Administrator Report with possible Commission discussion. This report includes statistical production; Disability Awareness Day; summer programs; Transition; Business Services; new hires; and Senior Day at OSD.   | Mark Kinnison,<br>DVR Administrator      |
| 9.  | Visual Services Administrator Report with possible Commission discussion: this report includes employee retirements; New View; VR/VS awards ceremony; Transition; New Staff Hired; Business Enterprise Program (BEP); Council of State Administrators of Vocational Rehabilitation and National Council of State Agencies for the Blind (CSAVR/NCSAB). | Doug Boone,<br>DVS Administrator         |
| 10. | Legislative Report with possible Commission discussion. Report includes Budget, and Legislation updates.   | Kevin Nelson, DRS<br>Legislative Liaison |
| 11. | Executive Order 2016-01 with possible Commission discussion. This order will increase transparency and improve the functionality and usefulness of the <a href="http://www.ok.gov">www.ok.gov</a> website.   | Rick Olderbak,<br>AAG, Legal Counsel     |

**Action Items**

- |     |  |                                      |
|-----|--|--------------------------------------|
| 12. | Review and Discussion with Possible Vote to Approve the February 8, 2016 Commission for Rehabilitation Services Regular Meeting Minutes.   | Commission Chair                     |
| 13. | Review and Discussion with Possible Vote to Approve the February 12, 2016 Commission for Rehabilitation Services Special Meeting Minutes.  | Commission Chair                     |
| 14. | Review and Discussion with possible vote for Approval of Proposed External Policy Changes.<br>612:1-5-3. Division of Vocational Rehabilitation for the Blind & Visually Impaired [AMENDED] | Sandra Wright, PDPS<br>Administrator |

- 612:1-17-2. Scope and description of the Open Meetings Act [AMENDED]
- 612:3-5-1. Purpose [AMENDED]
- 612:3-5-12. Policy Development [AMENDED]
- 612:3-5-13. Drafting of new or revised policy [REVOKED]
- 612:3-5-14. Adoption of new or revised policy {REVOKED}
- 612:3-5-15. When new or revised policy becomes effective [REVOKED]
- 612:3-5-16. State office memoranda [REVOKED]
- 612:3-5-17. Department publications [REVOKED]
- 612:3-5-18. Petition requesting promulgation [REVOKED]
- 612:3-5-19. DRS staff responsibility [REVOKED]
- 612:3-5-29. Program Standards [AMENDED]
- 612:3-5-30. Vocational Rehabilitation and Vocational Rehabilitation for the Blind & Visually Impaired compliance reviews [REVOKED]
- 612:3-5-31. Vocational Rehabilitation and Vocational Rehabilitation for the Blind & Visually Impaired outcome measures [REVOKED]
- 612:3-5-35. Case review [NEW]
- 612:10-1-2. Definitions [AMENDED]
- 612:10-7-1. Overview of Vocational Rehabilitation and Vocational Rehabilitation for the Blind & Visually Impaired [AMENDED]
- 612:10-7-21.1 Processing incoming referrals [AMENDED]
- 612:20-7-24.1 Basic eligibility requirements for vocational rehabilitation services [AMENDED]
- 612:10-9-32. Diagnosis and evaluation for ~~homemaker cases~~ [AMENDED]
- 612:10-11-2. Basic eligibility requirements [AMENDED]
- 612:10-11-24. Successful Closure Status [REVOKED]
- 612:10-11-25. Unsuccessful Closure Status [REVOKED]
- 612:10-11-26. Previously closed cases [REVOKED]
- 612:10-11-27. Inter-program transfers [REVOKED]
- 612:10-11-43. Reader/~~Sighted~~ Guide services [AMENDED]
- 612:10-11-44. Orientation and Mobility services (O&M) [REVOKED]
- 612:10-11-58. Adapted Communication Skills Training [AMENDED]

- 15. Review and Discussion with possible vote for approval of Renewal of a Twenty-year Easement lease with OG&E for OSD. Rick Olderbak, AAG  
Legal Counsel
  
- 16. OSD report with possible Commission discussion. Review and Discussion with Possible Vote for Approval of Donations to the Oklahoma School for the Deaf Resolutions KaAnn Varner,  
OSD Superintendent

- |   |   |
|---|---|
| 17. Review and Discussion with Possible Vote for Approval of Donations to the Oklahoma School for the Blind Resolutions 2016-12 and 2016-15.  | Larry Hawkins, Interim OSB Superintendent |
| 18. New Business (“Any matter not known about or which could not have been reasonably foreseen prior to the time of posting.” 25 O.S. § 311)  | Commission Chair                          |
| 19. Announcements<br>Date and location of next regular meeting of the Commission for Rehabilitation Services:<br>Monday, April 11, 2016 at 10:30 am<br>Department of Rehabilitation Services<br>3535 NW 58 <sup>th</sup> Street, Suite 200<br>Oklahoma City, OK 73112 | Commission Chair                          |
| 20. Adjournment   | Commission Chair                          |

# **Interim Director's Report**

Submitted by  
Noel Tyler, DRS Interim Director

1. Selection of interim DDD Administrator and OSB Superintendent
2. Meetings
  - a. OSB Open House
  - b. Quality Outcomes Meeting with VS/VR Program Managers
  - c. ORC Executive Committee
  - d. Monthly Workforce System Agency Partners Meeting
  - e. Executive Team
3. Communications
  - a. People with Disabilities Awareness Day 2016
4. Updates
  - a. National Search for OSB Superintendent

# Financial Status Report

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

## All Programs Agency Summary

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	76,053,684.00	51.1%	40,500,859.56	53.3%	35,082,462.04	99.4%
Travel	1,636,880.00	1.1%	831,620.91	50.8%	70,147.66	55.1%
General Operating	20,594,230.00	13.8%	9,610,623.63	46.7%	10,976,654.29	100.0%
Office Furniture & Equipment	3,000,753.00	2.0%	1,048,854.99	35.0%	781,779.06	61.0%
Client / General Assistance	39,600,672.00	26.6%	18,733,918.39	47.3%	18,702,394.39	94.5%
Indirect Cost	7,936,191.00	5.3%	4,780,529.39	60.2%	3,155,661.61	100.0%
<b>Total</b>	<b>148,822,410.00</b>	<b>100.0%</b>	<b>75,506,406.87</b>	<b>50.7%</b>	<b>68,769,099.05</b>	<b>96.9%</b>

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

All Programs						
Vocational Rehabilitation and Visual Services						
	% of Total			% Expended		
	Budget	Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	27,073,648.00	35.7%	13,874,922.05	51.2%	13,027,156.41	99.4%
Travel	1,369,350.00	1.8%	673,193.42	49.2%	42,103.27	52.2%
General Operating	10,187,692.00	13.4%	4,716,713.92	46.3%	5,743,627.40	102.7%
Office Furniture & Equipment	2,152,419.00	2.8%	893,558.32	41.5%	678,331.06	73.0%
Client / General Assistance	31,305,172.00	41.3%	13,993,834.60	44.7%	15,287,887.88	93.5%
Indirect Cost	3,736,603.00	4.9%	2,019,010.81	54.0%	1,717,592.19	100.0%
<b>Total</b>	<b>75,824,884.00</b>	<b>100.0%</b>	<b>36,171,233.12</b>	<b>47.7%</b>	<b>36,496,698.21</b>	<b>95.8%</b>

Vocational Rehabilitation Grant						
	% of Total			% Expended		
	Budget	Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	24,398,611.00	34.1%	12,476,161.93	51.1%	11,795,695.41	99.5%
Travel	1,344,400.00	1.9%	666,120.90	49.5%	42,103.27	52.7%
General Operating	9,417,217.00	13.2%	4,217,554.42	44.8%	5,418,646.16	102.3%
Office Furniture & Equipment	2,074,119.00	2.9%	872,066.40	42.0%	673,729.06	74.5%
Client / General Assistance	30,741,667.00	43.0%	13,794,170.48	44.9%	15,158,360.09	94.2%
Indirect Cost	3,500,000.00	4.9%	1,876,902.53	53.6%	1,623,097.47	100.0%
<b>Total</b>	<b>71,476,014.00</b>	<b>100.0%</b>	<b>33,902,976.66</b>	<b>47.4%</b>	<b>34,711,631.46</b>	<b>96.0%</b>

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

## All Programs Oklahoma School for the Blind

	% of Total		Expenditures	% Expended	Encumbrances	% Used
	Budget	Budget				
Personnel	5,391,891.00	68.8%	2,908,096.43	53.9%	2,462,270.45	99.6%
Travel	46,291.00	0.6%	22,438.90	48.5%	245.00	49.0%
General Operating	1,687,248.00	21.5%	778,214.38	46.1%	772,068.88	91.9%
Office Furniture & Equipment	198,280.00	2.5%	21,226.98	10.7%	20,400.00	21.0%
Client / General Assistance	84,000.00	1.1%	36,507.36	43.5%	0.00	43.5%
Indirect Cost	430,824.00	5.5%	269,683.60	62.6%	161,140.40	100.0%
<b>Total</b>	<b>7,838,534.00</b>	<b>100.0%</b>	<b>4,036,167.65</b>	<b>51.5%</b>	<b>3,416,124.73</b>	<b>95.1%</b>

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

## All Programs Oklahoma School for the Deaf

	% of Total		% Expended		% Used	
	Budget	Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	6,937,363.00	69.5%	3,867,895.62	55.8%	3,006,008.68	99.1%
Travel	37,239.00	0.4%	21,157.98	56.8%	199.14	57.4%
General Operating	1,793,380.00	18.0%	963,775.14	53.7%	907,857.79	104.4%
Office Furniture & Equipment	239,654.00	2.4%	52,742.82	22.0%	2,545.00	23.1%
Client / General Assistance	421,500.00	4.2%	239,631.54	56.9%	88,451.40	77.8%
Indirect Cost	557,044.00	5.6%	357,494.39	64.2%	199,549.61	100.0%
<b>Total</b>	<b>9,986,180.00</b>	<b>100.0%</b>	<b>5,502,697.49</b>	<b>55.1%</b>	<b>4,204,611.62</b>	<b>97.2%</b>

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

## All Programs Disability Determination Division

	% of Total		% Expended		% Used	
	Budget	Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	30,034,237.00	65.8%	16,366,519.46	54.5%	13,570,244.78	99.7%
Travel	64,000.00	0.1%	30,371.48	47.5%	27,424.76	90.3%
General Operating	4,403,951.00	9.6%	1,865,797.17	42.4%	2,206,622.70	92.5%
Office Furniture & Equipment	140,000.00	0.3%	27,287.77	19.5%	43,452.08	50.5%
Client / General Assistance	7,790,000.00	17.1%	4,463,944.89	57.3%	3,326,055.11	100.0%
Indirect Cost	3,205,812.00	7.0%	2,133,910.62	66.6%	1,071,901.38	100.0%
<b>Total</b>	<b>45,638,000.00</b>	<b>100.0%</b>	<b>24,887,831.39</b>	<b>54.5%</b>	<b>20,245,700.81</b>	<b>98.9%</b>

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

All Programs						
DRS Support Services						
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	6,616,545.00	69.4%	3,483,426.00	52.6%	3,016,781.72	98.2%
Travel	120,000.00	1.3%	84,459.13	70.4%	175.49	70.5%
General Operating	2,521,959.00	26.5%	1,286,123.02	51.0%	1,346,477.52	104.4%
Office Furniture & Equipment	270,400.00	2.8%	54,039.10	20.0%	37,050.92	33.7%
Indirect Cost	5,908.00	0.1%	429.96	7.3%	5,478.04	100.0%
<b>Total</b>	<b>9,534,812.00</b>	<b>100.0%</b>	<b>4,908,477.21</b>	<b>51.5%</b>	<b>4,405,963.69</b>	<b>97.7%</b>

# Department of Rehabilitation Services Financial Status Report FY 16

As of January 31, 2016

<b>Personnel</b>
Salary Expense
Insurance Premium -Health-Life, etc
FICA-Retirement Contributions
Inter/Intra Agency Payment for Personal Services
<b>Travel</b>
Travel - Agency Direct
Travel - Reimbursements
<b>General Operating</b>
AFP Encumbrances
Bond Indebtness and Expenses
Buildings-Purchase, Construction and Renovation
General Operating
Maintenance & Repair
Miscellaneous Administration Fee
Professional Services
Production, Safety, Security
Refunds, Indemnities, Restitution
Rent Expense
Scholarships, Tuition and Other Incentive-Type Payments
Shop Expense
Specialized Supplies & Materials
<b>Office Furniture &amp; Equipment</b>
Library Equipment & Resources
Office Furniture & Equipment
<b>Client / General Assistance</b>
Social Service and Assistance Payments
<b>Indirect Cost</b>

# **Personnel**

# **Report**

# PERSONNEL ACTIVITY REPORT AS OF FEBRUARY 26, 2016

FILLED AND VACANT POSITIONS										
Personnel Activity = 11 vacant positions filled / 41 positions in Announcement or Selection Process										
Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann. #	Action/Incumbent	Date Filled		
DDD	HRM Specialist III / 0864	8/3/2015	DDD	8/28/2015	9/3/2015	16-032	App list sent 9/9/2015			
DDD	Programs Manager III / 1443	New Position	DDD	12/2/2015	12/8/2015	16-074	Michael Lucero	2/1/2016		
DDD	Programs Manager III / 1444	New Position	DDD	12/2/2015	12/8/2015	16-075	Bruce Smith	2/1/2016		
OSB	Nursing Service Supervisor / 0851	6/5/2015	OSB	7/16/2015	7/29/2015	16-005	Applicant list sent 8/3/2015			
OSB	Direct Care Specialist II / 0235	9/2/2015	OSB	11/19/2015	11/30/2015	16-071	App list sent 12/10/2015			
OSB	Food Service Specialist I / 0586	11/10/2015	OSB	12/3/2015	1/4/2016	16-077	Amber Hernandez	2/1/2016		
OSB	Recreational Activities Specialist II / 0419	12/1/2015	OSB	1/15/2016	1/25/2016	16-092	Waiting for E-list			
OSB	Direct Care Specialist II / 0638	10/5/2015	OSB	2/9/2016	2/18/2016	16-103	Waiting for E-list			
OSB	School Superintendent / 0604	2/11/2016	OSB	2/23/2016	Until Filled	16-108	Currently open			
OSB	Temporary / 1029	8/31/2015	OSB				Belinda Thomas	2/1/2016		
OSD	Principal / 0414	7/15/2011	OSD	12/31/2014	Until Filled	15-062	App list sent 4/8/2015			
OSD	Direct Care Specialist II / 0446	12/31/2015	OSD	11/10/2015	11/23/2015	16-066	Terra White	2/1/2016		
OSD	Food service Specialist II / 1044	12/31/2015	OSD	1/5/2016	1/18/2016	16-085	App list sent 1/26/2016			
		12/27/2015								
		1/4/2016								
OSD	Direct Care Specialist II / 113,433,810,552	12/18/2015		1/12/2016	1/25/2016	16-088	Waiting for E-list			
OSD	Construction/Maintenance Technician II / 0154	12/21/2015	OSD	2/3/2016	2/16/2016	16-101	App list sent 2/24/2016			
OSD	Direct Care Specialist II / 0299	1/5/2016	OSD	2/3/2016	2/16/2016	16-102	App list sent 2/24/2016			

Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann #	Action/Incumbent	Date Filled
VR	Assistive Technology Specialist I / 1197	9/30/2012	VR36 – OKC	5/20/2015	6/09/2015	15-106	App list sent 6/11/2015	
VR	VR Specialist III / 0024	3/10/2015	VR56 – Woodward	11/2/2015	11/16/2015	16-059	App list sent 11/23/2015	
VR	VR Specialist IV / 0540 Rehabilitation Technician III / 0435	6/30/2015	VR49 – Tulsa	11/2/2015	11/23/2015	16-060	App list sent 12/2/2015	
VR	VR Specialist IV / 0723 Psychological Clinician III / 0494	9/1/2015	VR95 – OKC	11/9/2015	11/23/2015	16-064	App list sent 12/2/2015	
VR	VR Specialist IV / 0058	9/1/2015	VR66 – Tulsa	11/20/2015	1/18/2015	16-072	App list sent 1/26/2016	
VR	VR Specialist IV / 1040	12/1/2015	VR66 – Tulsa	11/20/2015	1/18/2015	16-073	App list sent 1/29/2016	
VR	VR Specialist IV / 0391 Rehabilitation Technician III / 0469	10/29/2015	VR25 – Tecumseh	12/8/2015	12/21/2015	16-079	App list sent 1/6/2016	
VR	VR Specialist IV / 0750	2/20/2015	VR18 – Muskogee	12/23/2015	1/12/2016	16-084	App list sent 1/15/2016	
VR	VR Specialist IV / 0750	12/14/2015	VR13 – McAlester	1/21/2016	2/19/2016	16-093	App list sent 2/23/2016	
VR	Rehabilitation Technician III / 0011	12/7/2015	VR67 – Tulsa	1/21/2016	2/3/2016	16-094	App list sent 2/12/2016	
VR	VR Specialist II / 1078	12/31/2015	VR07 – Durant	1/26/2016	2/8/2016	16-098	App list sent 2/18/2016	
VR	Rehabilitation Technician III / 0278	11/15/2012	VR07 – Durant	2/9/2016	2/22/2016	16-104	Waiting for E-list	
VR	VR Specialist IV / 0750	1/15/2016	VR47 – OKC	2/12/2016	2/26/2016	16-106	Waiting for E-list	
VR	VR Specialist IV / 0750	12/27/2015	VR12 – Lawton	2/26/2016	3/10/2016	16-109	Currently open	

Division	Title/PIN	Date Vacated	Location	Begin Date	End Date	Ann. #	Action/Incumbent	Date Filled
VS	Assistive Technology Coordinator / 1133	6/12/2012	VS90 – OKC	5/13/2015	Until Filled	15-102	App list sent 9/24/2015	
VS	Training Specialist III / 0201	7/10/2015	VS33 – OKC	8/27/2015	9/9/2015	16-030	App list sent 9/21/2015	
VS	Programs Manager II / 0306	1/1/2015	VS73 – OKC	10/21/2015	11/10/2015	16-054	Tracy Brigham	2/8/2016
VS	Public Information Officer III / 0198	10/1/2015	VS72 – OLBPH	11/3/2015	11/16/2015	16-057	William King	1/25/2016
VS	Rehabilitation of the Blind Specialist IV / 0754	7/31/2015	VS71 – Idabel	11/17/2015	12/1/2015	16-068	Magan Rowan	2/16/2016
VS	VR Specialist III / 0367	7/10/2015	VS64 – Tulsa	12/15/2015	12/28/2015	16-081	Simonne Miller	2/1/2016
VS	VR Specialist IV / 0083	8/3/2015	VS84 – McAlester	12/16/2015	12/29/2015	16-082	Delbert Walters	2/1/2016
VS	VR Specialist III / 0762	11/10/2015	VS58 – Ada	1/5/2016	1/19/2016	16-086	Jennifer Hawkins	2/16/2016
VS	Rehabilitation Technician III / 0361, 0789	5/7/201	VS73 – OKC	1/5/2016	1/19/2016	16-087	App list sent 1/27/2016	
VS	Vending Machine Technician I / 1027	10/7/2014	VS33 – OKC	1/12/2016	1/25/2016	16-089	App list sent 1/29/2016	
VS	Material Management Officer I / 0062	10/28/2015	VS33 – OKC	1/15/2016	1/28/2016	16-090	App list sent 2/9/2016	
VS	Rehabilitation Technician III / 0766	12/31/2015	VS60 – Lawton	1/15/2016	1/29/2016	16-091	Currently open	
VS	Vending Facility Business Consultant II / 0170	4/1/2014	VS33 – OKC	1/21/2016	2/3/2016	16-095	App list sent 2/12/2016	
VS	Rehabilitation of the Blind Specialist III / 0311	3/1/2015	VS84 – McAlester	1/26/2016	2/8/2016	16-097	App list sent 2/18/2016	
VS	Rehabilitation of the Blind Specialist III / 0052	6/26/2015	VS58 – Ada	2/3/2016	3/3/2016	16-100	Currently open	
VS	Rehabilitation of the Blind specialist IV / 0289	3/1/2016	VS91 – Tulsa	2/12/2016	2/22/2016	16-105	Waiting for E-list	
VS	Rehabilitation Technician III / 0407	2/1/2016	VS90 – OKC	2/12/2016	2/25/2016	16-107	Waiting for E-list	
VS	Programs Manager II / 0260	2/8/2016	VS64 – Tulsa	2/26/2016	3/28/2016	16-110	Currently open	

**NOTE:** Waiting for HCM-9 = Waiting for HCM to return HCM-9's to inform if applicant meets minimum qualifications for position.

Waiting for E-List = Waiting to receive electronic applicant log from HCM.

Pending Approval= Waiting for unclassified appointments to be approved by director and cabinet secretary to establish an effective date

**RESIGNATIONS/RETIREMENTS/SEPARATIONS = 9**

**SUPPORT SERVICES DIVISION (Executive/MSD/FSD)**

Cordova, Joe – Director – Executive Division, Resigned 2/12/2016 (2 years 5 months)

**DIVISION OF VOCATIONAL REHABILITATION**

NONE

**VISUAL SERVICES DIVISION**

Hope, Terrance – Vending Facility Business Consultant II– VS33-OKC, Resigned 2/12/2016 (4 years 11 months)

Salem, Carolyn – Rehabilitation Technician III – VS90-OKC, Retired 2/1/2016 (8 years)

Miller, Michelle – Programs Manager II – VS91-Tulsa, Discharged 2/17/2016 (1 month)

**OKLAHOMA SCHOOL FOR THE BLIND**

Boone, Christine – School Superintendent, Discharged 2/11/2016 (6 months)

**OKLAHOMA SCHOOL FOR THE DEAF**

NONE

**DISABILITY DETERMINATION DIVISION**

Mitchell, Caryn – Disability Determination Technician III, Resigned 1/29/2016 (14 years 5 months)

Webb, Andrea – Disability Determination Specialist I, Resigned 2/25/2016 (5 months)

Hamilton, Ivory – Disability Determination Technician III, Retired 2/1/2016 (7 years)

Janik, Katherine – Disability Determination Specialist IV, Discharged 2/12/2016 (12 years 3 months)

# CURRENT FTE STATUS FY 2016

*FTE as of February 26, 2016*

<u>DIVISION</u>	<u>BUDGETED FTE</u>	<u>FILLED</u>	<u>PENDING</u>	<u>EXEMPT FTE</u>	<u>TOTAL FILLED PLUS PENDING MINUS EXEMPT FTE</u>
Support Services (Executive/MSD/FSD)	79.20	73.50	0.00	(0.00)	73.50
Vocational Rehabilitation	267.00	235.00	14.00	(1.00)	248.00
Visual Services	139.00	111.00	13.00	(2.00)	122.00
VR/VS-DP	2.00	1.00	0.00	(0.00)	1.00
Oklahoma School for the Blind	92.50	85.50	5.00	0.00	90.50
Oklahoma School for the Deaf	124.00	112.00	8.00	0.00	120.00
<b>Total (NON-EXEMPT)</b>	<b>703.70</b>	<b>618.00</b>	<b>40.00</b>	<b>(3.00)</b>	<b>655.00</b>
Disability Determination Division (EXEMPT)	328.30	328.50	1.00	0.00	329.50
<b>TOTAL NON-EXEMPT &amp; EXEMPT</b>	<b>1032.00</b>	<b>946.50</b>	<b>41.00</b>	<b>(3.00)</b>	<b>984.50</b>

**FY 16 Budgetary FTE Limit = 1255**

**\* Authorized agency FTE limit does not include Executive Fellow and SWIP appointments**

ROUTING TO: Noel Tyler, Director  
 Cheryl Gray, Chief of Staff  
 Kevin Statham, Chief Financial Officer  
 Goli Dunkle, Division Administrator  
 Tom Patt, Human Resources Program Director  
 Dana Tallon, Public Information Manager II  
 Carol Brown, Executive Assistant  
 Rosemarie Chitwood, Secretary V  
 Paul Adams, Project Coordinator

# **Vocational Rehabilitation Administrator's Report**

## March 2016 Commission Report for the Division of Vocational Rehabilitation

Hello Commissioners, it's always an honor to present the latest activity in the VR division, please see the bullets below.

- Wages are pretty much flat at this point as compared to last year. We still have three quarters to go so I'm hopeful we will increase.
- Applications and plans are slightly up compared to last year at this time, and our closure totals are slightly down about 70.
- We are averaging 6 days on presumptive eligibility.
- Our average application to eligibility rate is 29 days.
- Our average eligibility to plan rate is 53 days.
- The progress on WIOA remains slow. We will be meeting with the McAlester area again soon. Our staff have been great participators in the meetings regarding comprehensive work locations. Melinda Fruendt, Cheryl Gray, and Kevin Statham have been very helpful in the preparation of the events to come. With that being said, there has been some beneficial progress in the OKC and Pryor area.
- I am encouraging all VR employees to attend Disability Awareness Day. Big thanks to Dana Tallon and Jody Harlan for the push on this.
- Kim Osmani and our transition folks are starting to make plans for summer programs. One of particular interest is a summer camping adventure in SW OK., where kids will gain work skills.
- I recently met with Superintendent Varner, to discuss summer jobs for OSD students.
- We are planning to partner with the ORC to do outreach in terms of Business Services. Renee Sansom has been great to work with.
- Rob Gragg has continued to meet with staff throughout the state to develop strategies to develop effective employer/VR relations. Also, Dennis Milton held a series of workshops.
- Jon Ringleiro is off and running as our new Tribal Liaison. He has met with most of the Oklahoma Tribal Vocational Rehabilitation Programs, and has developed working relationships with VR counselors that are leading the way in terms of co-shared cases. Our goal is to increase our collaboration with the Tribal VR Programs to serve as many people as possible.
- Doug and I are working with Renee Sansom, ORC PM to capture at least 50 very good VR success stories. These will be used for promotional efforts.
- We hired Lesli Lennier as our AT Coordinator. This is a key hire and she will be outstanding.
- Richard Yahola has been hired as our new PMII over the Vocational Evaluation Program, and Psych Assistant Program. We are very lucky to have him.
- The Tulsa Transition group will be holding their annual awards ceremony for students and teachers.
- Jonathan Cook and his unit hosted Senior Days at OSD. This is an annual event.
- A group in NW Oklahoma hosted a Transition event which had a great turnout of educators and partners. This was a great effort.
- At this time in VR our counselors are averaging 29 apps, 19 plans, and 6 closures, on 104 caseloads. With that being our averages, the Tulsa general units are averaging 52, and 49 applications per counselor. Terry Goodson's unit in Eastern OK, is averaging about 40 applications per counselor. This is pretty significant and I will go more into detail at the meeting.

As always it's a true honor to work with the great folks in the VR Division and OKDRS. I can't think of a better bunch of people to work with.

Respectfully Submitted,

Mark Kinnison, M.Ed., CRC, LPC  
Administrator of Vocational Rehabilitation Services

# Visual Services

# Administrator's Report

Report to the Department of Rehabilitation Services  
Commission Board, February 8, 2016

Respectfully submitted by:  
Doug C. Boone, Visual Services Division Administrator

**Retirements:** It is with reluctance that I inform you that several long term employees of VS are planning retirement before summer. From the OKC area: Mr. Paul Adams – Special Projects Coordinator and Mr. Mike Hamrick, BEP Operations Coordinator. It has been my privilege to work directly with both of these persons. I wish to publicly thank each of them for the tremendous contribution they have made to DRS over the many years of their employment and especially since I have arrived as Division Administrator. They both have set a high standard for others to follow! Also retiring, and having had a big impact on the lives of blind and visually impaired persons is Jane Fore, of the Tulsa office. Her commitment to providing quality training and high expectations for persons to succeed will be missed. Finally, Nora Webb a Tech from the Lawton office, retired last fall. Her support and commitment to staff was a great assist to our ability to serve folks from that office.

**New View:** In mid-November VS Field Service Coordinators, Kevin Nelson and I meet with the staff of New View to tour their facility here in OKC and discuss the services they have to offer related to employment and training. As a follow up to the meeting, I have been in touch with them regarding the New View Transition program. Specifics of the content of the program were requested, materials received and reviewed. As of the date of this submission, additional information is being sought regarding the Transition program, to better understand the specific components of the training they propose, program objectives, anticipated outcomes and what they could possibly contribute to the VS goal of fostering greater independence and confidence development for blind and visually impaired youth.

**VR/VS Awards Ceremony:** Shortly after arriving as VS Division Administrator, I established a contest to encourage staff to counsel our applicants to seek intensive training at long term training centers, as a basis for going forward to successful employment. In order to qualify for the contest and win a “lobster” dinner for two, a staff person had to send at least 3 persons to attend such a facility. At the end of 2014, no one qualified. I am pleased to say that staff stepped up their game in 2015 and multiple staff qualified for the contest. Most

of the winners exceeded the qualifying threshold to be the top promoter of this opportunity for independence for our job seekers. I was pleased to recognize the exceptional work of 4 staff, with a crisp \$100 bill from my wallet! The real winners are the persons we serve who will now have skills and confidence going forward throughout their lives!

**Transition: Moving Forward with Improvements of Transition Services for Blind and Visually Impaired Youth**

During the January 11, 2016 Commission Board meeting, a number of points/issues were identified for improving outcomes for blind and visually impaired youth by DRS Commissioners. Since these have been raised, I wish to provide the Commission with information which is relevant to moving forward and actions planned by Visual Services to implement the suggestions.

\* Meeting in OSB by VS staff, on Transition: In the not too distance past, VS staff had a location to meet with students at the OSB. Prior to my assuming duties as Division Administrator, the school informed Barbara Clinkenbeard that the trailer, used by her to meet with folks at OSB on Transition Services, did not look good and it was being removed. When she asked for space to meet in the school, she was informed that there was none and she would not have a presence on campus. We are seeking to again find space within OSB for our VS Transition Counselor and hope to have an onsite presence going forward.

\* Identifying Barriers for Our Youth to Succeed: The need for skills of independence was put forth at the Jan. Commission meeting. That is exactly why we are taking actions to equip Transition students with the tools they need to succeed (TIP is one example). This year, we are planning several 1 week summer skills programs for youth 14 – 15 for 2016. We have the hope/ intention to work with OSB to provide one of the training sessions at the school.

\* Educating and Working with Key Partners: VS is working to develop a short (12 min.) video of successful blind persons, the path to their success and some shots of these adults: using a cane or dog to travel, cooking and Braille. The video will be aimed at: students, parents and teachers in the public schools, to begin the

process of developing expectations/possibility thinking regarding their child's potential (especially among parents – long before the thought of the child leaving home is in the picture and the loss of SSI benefits).

\* Adding Staff: In an effort to meet the above goals, including identification of eligible transition students, we are interviewing to fill the newly created position of VS Transition Facilitator. On January 20 we conducted interviews and selected for the position. The Facilitator's role will be to work with our dedicated Counselors, parents, educators, employers and provide a strong focus on identification of youth needing alternatives to vision and soft skills, to be efficient and competitive. They will assist in addressing those needs through promoting the acquisition of skills for youth, to develop the independence needed to be competitive. The person will also work with Kim Osmani and Larry Hartzell & the existing I Jobs and Project Search programs. We want our youth to be able to participate at a higher rate in jobs, while in high school and have success in doing so! Only then will they have the belief and possibility thinking necessary to have a full life, which includes success in the workplace.

**New Staff Hired:** I am pleased to inform the Commission that Visual Services have recently hired three new staff in each of area A (North half of the state) and area B (South half of the state). Additionally, we have filled a vacant position in the OKLBPH. I have asked a number of our supervisory staff to be present at the February meeting, to introduce the 7 great new people who have joined us in providing services to our citizens. I am excited that we have been able to hire these professionals.

**Business Enterprise Program:** A search has begun to identify a qualified candidate for the position of BEP Operations Coordinator. It is my hope we will identify qualified candidates and fill the position as quickly as possible.

**CSAVR/NCSAB:** Last November I traveled with a small group of staff from DRS to attend the two fall conferences of CSAVR (Council of State Administrators of Vocational Rehabilitation) and NCSAB (National Council of State Agencies for the Blind). I participated in a number of committee meetings, in addition to the general sessions.

During NCSAB, I was asked and agreed to chair the Transition Committee, in the absence of the regular chair. At the conclusion of the week, I was elected to the Board of NCSAB as a member at large. I will work to contribute to the efforts of the organization to improve services nationwide. As a Board member, I also will be chairing a committee. I was chosen to chair the Committee on: Blindness Skills Training and Training Centers, based upon my many years of experience working in such facilities and contributions I made to a number of state agencies during my 19 years as a private consultant in blindness rehabilitation/program review.

# Legislative Report

## March legislative report

### **Budget:**

Last month I reported that the budget hole will likely grow to over 1 billion. The State Equalization Board met in the middle of the month and certified a budget deficit of \$1.1 billion, \$1.3 billion after one-time funds are removed from last year's budget. This roughly equates to a 19% reduction in the budget. The decline is tied to lower oil prices, which continue to affect this year's budget as well. On that note, we received word from OMES that there will be an additional 4% revenue failure this fiscal year on top of the current 3%. They are considering everything from the rainy day fund, bonding road projects to defer expenses, and even raising taxes. But, mostly they are considering whether they want to come to work, since this year is an election year.

### **Legislation:**

February 26th was the deadline for reporting bills out of the committee. Of our four request bills. SB 1209, the commission awards bill, was the only one that made it out and has already passed the Senate. The remaining did not get hearings as they either raised budget issues or were not deemed critical enough to need to pass this session.

As far as our watch list bills (below), i wanted to revisit the ones specific to DRS. First, SB 1110, by Sen. Thompson, seeking to move the state use committee to DRS did not get a hearing and is dead. SB 1541, by Sen. Griffin, that consolidates the Office of Disability Concerns into DRS, less the CAP program, did pass out of committee with title and enacting clause stricken. The bill is moving forward, but there is no consensus yet on where ODC will go. Third, SB 1325, by Sen. Treat that removes the prohibition on charter schools that compete with OSB and OSD. passed out of Senate Education and is on its way to the floor. HB 3023 by Rep.

Hickman and Pfeiffer, that would remove our BEP priority to the capitol grounds, passed out of House A&B. We have arranged a meeting with the author and our BEP vendor committee representatives to see what direction they want to go on this. Finally, we have been working with the interpreter community and CCOSA on HB 1512, Rep. Kern's deaf interpreter bill from last year. The parties are fairly close to an agreement and the bill may move off the Senate floor.

The next deadline is March 10<sup>th</sup> to report bills of the floor.

# Watch list

Bill Portfolio

26 Bills On Report

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**[HB1337](#)** **Paraphrase:** HB1337, by Rep. James Lockhart, D-Heavener, requires public bodies to make available on their website information concerning the number of persons with disabilities employed by the public body. (Carryover Bill) - © 2016 eCapitol, LLC. All rights reserved.



**Effective Date:** 11/01/2015 **Emergency:** No

**Principal Authors:** Lockhart, James (H)

**Status:** H General Order **Status Date:** 02/09/2015

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**[HB1452](#)** **Paraphrase:** HB1452, by Rep. David Ralph Brumbaugh, R-Broken Arrow and Sen. David Holt, R-Oklahoma City, requires the gross salary of each employee to be made available on state agency websites. It requires the data to be made available in an open-structured format that may be downloaded by the public and which allows the viewer to systematically sort, search, and access all data. It also requires a link to the budget and audited financial statements of the public entity as provided to the State Auditor and Inspector; and raw data sets which include all expenditure data as requested by and provided to the State Auditor and Inspector. (Amended by House, Amended by Senate, Stricken Title, Carryover Bill, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.



**Effective Date:** 11/01/2015 **Emergency:** No

**Principal Authors:** Brumbaugh, David Ralph (H); Holt, David (S)

**Status:** S Referred to 2nd Committee **Status Date:** 03/30/2015

**Committee(1):** S Appropriations (S)

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**[HB1512](#)** **Paraphrase:** HB1512, by Rep. Sally Kern, R-Oklahoma City and Sen. Ron Sharp, R-Shawnee, directs the State Department of Education to conduct a capacity review of educational interpreters available to school districts in the state and submit a report by December 1, 2015, to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. It establishes the Oklahoma Educational Interpreter for the Deaf Task Force until Dec. 1, 2015. It directs the eight-member task force to conduct a thorough review of the Oklahoma Educational Interpreter for the Deaf Act and make recommendations to the Legislature for any changes to the requirements for educational interpreters. (Amended by House, Amended by Senate, Stricken Title, Carryover Bill, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.



reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Kern, Sally (H); Sharp, Ron (S)

**Status:** S General Order **Status Date:** 04/09/2015

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**HB1664**  **Paraphrase:** HB1664, by Rep. David Dank, D-, creates the Ethics and Transparency Act of 2015. The bill states that the Oklahoma Ethics Commission require all entities spending money in a state and local political race to abide by the same donor and expenditure reporting rules as political action committees and individual candidates. (Amended by House, Carryover Bill, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2015 **Emergency:** No

**Principal Authors:** Dank, David (H)

**Status:** H General Order **Status Date:** 02/18/2015

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**HB1738**  **Paraphrase:** HB1738, by Rep. Lewis Moore, R-Arcadia and Sen. Nathan Dahm, R-Broken Arrow, establishes the Oklahoma Privacy Protection Act. The bill establishes the state policy to refuse material support or participation in any federal agency with the power to authorize the collection of electronic data or metadata of any person pursuant to any action not based on a warrant. It states an agency, board or commission in violation of this act will not receive state grant funds and any individual in violation is subject to removal from office or employment and a \$1,000 fine. (Carryover Bill, Emergency Measure) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Moore, Lewis (H); Dahm, Nathan (S)

**Status:** H General Order **Status Date:** 02/26/2015

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**HB2081**  **Paraphrase:** HB2081, by Rep. Jason Nelson, R-Oklahoma City and Sen. Kimberly David, R-Porter, states intent of the Oklahoma State Regents of Higher Education to establish a comprehensive transition and postsecondary program for students with intellectual disabilities which shall be offered by institutions. The bill specifies the parameters of the degree program. This bill requires the state regents establish procedures and criteria to establish a comprehensive transition and postsecondary program for students with intellectual disabilities to be offered by institutions including eligibility for Pell Grants, Work Study and enrollment without meeting certain admission standards. It requires the state regents seeks funding for institutional grants to meet this criteria. (Amended by House, Stricken Title, Carryover Bill) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2015   **Emergency:** No  
**Principal Authors:** Nelson, Jason (H); David, Kimberly (S)  
**Status:** Second Reading - Referred to Senate Committee   **Status**  
**Date:** 03/17/2015  
**Committee(1):** S Rules (S)  
**Committee(2):** S Appropriations (S)

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**HB2254** **Paraphrase:** HB2254, by Rep. George Faught, R-Muskogee, amends to the  Administrative Procedures Act. It modifies definition and changes the expiration date of emergency rules from September to July 15. It modifies the governor approves or disapproves rules. It allows the governor 45 calendar days from receipt of a rule to approve or disapprove it and directs him or her to notify the corresponding agency in writing of the approval; if disapproved, the governor must also notify the agency with reasons in writing for the disapproval. The bill requires the governor to notify the Speaker of the House and President Pro Tempore of the Senate as well. It adds that failure of the governor to approve a rule within the specified period shall constitute disapproval of the rule. The bill states that a transmission of a rule for legislative review on or before April 1 of each year will result in the approval of such rule by the Legislature if it is in regular session and it has failed to disapprove such rule before the last day of session unless such rule establishes or increases a fee or fees or is a rule by an agency, board of commission created by or receives its authority from Title 59 of the Oklahoma Statutes. It requires those agencies or rules imposing a fee increase or establishing a new fee to be approved by the Legislature by joint resolution but if the Legislature fails to approve the rule on or before the last day of the legislative session, the rule will be deemed disapproved. The bill allows the Office of the Secretary of State to promulgate rules to establish separate filing deadlines and review periods for finally adopted rules and to carry out the provisions of this bill. It also repeals statutory language related to the omnibus joint resolution for rule adoption procedure. (Amended by House, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016   **Emergency:** No  
**Principal Authors:** Faught, George (H)  
**Status:** H General Order   **Status Date:** 02/17/2016

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**HB2686** **Paraphrase:** HB2686, by Rep. David Ralph Brumbaugh, R-Broken Arrow and  Sen. Mike Mazzei, R-Tulsa, creates the Disability Savings Act and the Oklahoma Achieving a Better Life Experience Program (ABLE). The bill states the purpose of the ABLE program and defines terms. The bill requires the savings plan to be established as a trust fund outside of the State Treasury. The bill requires the Board of Trustees of the Oklahoma College Savings Plan

program to administer the ABLE program. The bill gives all powers necessary to carry out its duties and to collect fees and services charges to the Board of Trustees. The bill establishes the ABLE Program advisory committee review rules and procedures related to the ABLE program, to provide guidance, suggest changes and make recommendations for the administration of the program, and to provide assistance as needed to the Board of Trustees of the Oklahoma College Savings Plan and State Comptroller during the creation of the program. - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016 **Emergency:** No

**Principal Authors:** Brumbaugh, David Ralph (H); Mazzei, Mike (S)

**Status:** H General Order **Status Date:** 02/25/2016

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**HB2821**  **Paraphrase:** HB2821, by Rep. Lee Denney, R-Cushing and Sen. Jim Halligan, R-Stillwater, creates the Achieving a Better Life Experience Program. It defines applicable terms. The bill provides that the program's co-trustees will be the Department of Human Services director, the Oklahoma Department of Rehabilitation Services director and the State Treasurer. The bill establishes the Achieving a Better Life Experience Program Committee to administer the program and establishes membership requirements. The bill establishes the duties and responsibilities of the committee. The bill establishes policies and procedures concerning Achieving a Better Life Experience accounts. - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016 **Emergency:** No

**Principal Authors:** Denney, Lee (H); Halligan, Jim (S)

**Status:** H General Order **Status Date:** 02/25/2016

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**HB3023**  **Paraphrase:** HB3023, by Rep. Jeff Hickman, R-Fairview and Rep. John Pfeiffer, R-Mulhall, adds the State Capitol Building and grounds to the exemptions from the requirement that require state government entities give priority to vending facilities operated by licensed blind operators and established by the State Department of Rehabilitation Services. - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016 **Emergency:** No

**Principal Authors:** Hickman, Jeff (H); Pfeiffer, John (H)

**Status:** H General Order **Status Date:** 02/11/2016

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**HJR1029**  **Paraphrase:** HJR1029, by Rep. George Faught, R-Muskogee, approves all proposed permanent rules of Oklahoma state agencies filed on or before April 1, 2015. (Amended by House, Carryover Bill, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No  
**Principal Authors:** Faught, George (H)  
**Status:** H General Order **Status Date:** 05/05/2015

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**HJR1030**  **Paraphrase:** HJR1030, by Rep. George Faught, R-Muskogee and Sen. Marty Quinn, R-Claremore, approves all proposed permanent rules of Oklahoma state agencies filed on or before April 1, 2015, except Oklahoma State Board of Education, OAC 210:25-3-4, subsection (o); Alcoholic Beverage Laws Enforcement Commission, OAC 45:30-5-6, subsection (d), paragraph (1), subparagraph c, "sexual orientation"; and Oklahoma State Athletic Commission, OAC 92:10-1-5, subsection (c). (Amended by House, Carryover Bill, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No  
**Principal Authors:** Faught, George (H); Quinn, Marty (S)  
**Status:** S General Order **Status Date:** 05/20/2015

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**SB0149**  **Paraphrase:** SB0149, by Sen. Earl Garrison, D-Muskogee and Rep. Jerry McPeak, D-Warner, provides that expenditures of funds appropriated to the State Department of Rehabilitation Services for educational programs or educational materials for the Oklahoma School for the Blind and the Oklahoma School for the Deaf be in accordance with procedures adopted by the Commission for Rehabilitation Services in consultation with the State Purchasing Director. (Amended by Senate, Stricken Title, Carryover Bill, Dormant) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No  
**Principal Authors:** Garrison, Earl (S); McPeak, Jerry (H)  
**Status:** Second Reading - Referred to House Committee **Status Date:** 03/10/2015  
**Committee(1):** H State Government Operations (H)

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**SB0308**  **Paraphrase:** SB0308, by Sen. Nathan Dahm, R-Broken Arrow and Rep. George Faught, R-Muskogee, requires agencies exempt from the Administrative Procedures Act to publish its exempt rules on its website. The bill requires an agency to respond within 30 days to a request from the Governor, House or Senate to review its rules and respond to a small business within 90 days. The bill requires that all requests to waive requirements be submitted in writing to the Governor. The bill gives the Legislature the authority to amend proposed and effective agency rules. The bill eliminates the process from the legislative cutoff dates. (Amended by Senate, Carryover Bill,

Emergency Measure) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** Yes

**Principal Authors:** Dahm, Nathan (S); Faught, George (H)

**Status:** H Committee - Do Pass Failed **Status Date:** 03/24/2015

**Committee(1):** H Administrative Rules (H)

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**SB0436**  **Paraphrase:** SB0436, by Sen. Ralph Shortey, R-Oklahoma City and Rep. Jon Echols, R-Oklahoma City, requires a transportation network company to disclose in writing to participating drivers the insurance coverage, limits of liability, and deductibles that the driver might be responsible for, that the transportation network company provides while the driver uses a vehicle in connection with a transportation network company's online-enabled application or platform, and to advise a participating driver in writing that the driver's automobile insurance policy may not provide any required or optional coverage because the driver uses a vehicle in connection with a transportation network company's online-enabled application or platform. The bill requires a transportation network company and any participating driver to maintain transportation network company insurance at certain levels. The bill establishes requirements for a transportation network company's insurance from the moment a participating driver accepts a ride request on the transportation network company's online-enabled application or platform until the driver completes the transaction on the online-enabled application or platform or until the ride is complete, whichever is later. It requires an individual acting or seeking to act as a participating driver for a transportation network company to provide written or electronic authorization from any lienholder with a security interest in the vehicle to be used in conjunction with the individual's service as such a driver. The amendment requires the authorization specify that the lienholder has been notified of the individual's intent to use the vehicle for that purpose and that the lienholder agrees to that use of the vehicle. The amendment also requires the transportation network company to cause its insurer to issue payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder when a transportation network company insurer makes a payment for a claim covered under comprehensive or collision insurance coverage. (Amended by House, Amended by Senate, Carryover Bill, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Shortey, Ralph (S); Echols, Jon (H)

**Status:** CCR Submitted to House **Status Date:** 05/22/2015

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**SB0449** **Paraphrase:** SB0449, by Sen. Corey Brooks, R-Washington and Rep. Dennis



Johnson, R-Duncan, requires notification to all adult children of any deceased brothers or sisters of the subject during an adult guardianship proceeding. (Carryover Bill) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2015 **Emergency:** No

**Principal Authors:** Brooks, Corey (S); Johnson, Dennis (H)

**Status:** Second Reading - Referred to House Committee **Status**

**Date:** 03/10/2015

**Committee(1):** H Judiciary & Civil Procedure (H)

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**SB0660 Paraphrase:** SB0660, by Sen. Eddie Fields, R-Wynona and Rep. Scott Biggs,



R-Chickasha, authorizes the Commissioner of Agriculture to allow food vendors to sell food and Made In Oklahoma products in the parking lots of state agencies or state buildings. (Amended by House, Amended by Senate, Stricken Title, Carryover Bill, Stricken enacting clause) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2015 **Emergency:** No

**Principal Authors:** Fields, Eddie (S); Biggs, Scott (H)

**Status:** Withdrawn from Calendar, ReReferred to Committee **Status**

**Date:** 03/30/2015

**Committee(1):** H Agriculture & Rural Development (H)

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**SB1005 Paraphrase:** SB1005, by Sen. Brian Crain, R-Tulsa and Rep. Jon Echols, R-



Oklahoma City, creates the Oklahoma Achieving a Better Life Experience (ABLE) Savings Plan Act. The bill exempts account balances and distributions from savings accounts established under the Oklahoma Achieving a Better Life Experience (ABLE) Savings Plan Act from the calculation of resources for the purpose of the Statewide Temporary Assistance Responsibility System (STARS). The bill defines applicable terms. It requires the State Treasurer to establish and administer the Oklahoma ABLE Savings Plan and requires that the treasurer develop and implement the program in a manner consistent with this act and subject to Section 529A of the Internal Revenue Code through the adoption of guidelines and procedures; retain professional services, if necessary, including accountants, auditors, consultants and other experts; seek rulings and other guidance, if necessary, from the United States Department of the Treasury, the Internal Revenue Service and the Oklahoma Attorney General relating to the program; make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by Section 529A of the Internal Revenue Code; interpret, in policies, guidelines and procedures, the provisions of the Oklahoma ABLE Savings Plan Act broadly in light of its purpose and objectives; develop a schedule of application fees and other necessary fees

and charges in connection with any agreement, contract or transaction relating to the program that are sufficient to offset the administrative and staffing costs associated with the implementation and administration of this program; either select the financial institution or institutions to act as the depositories and managers of the program accounts or determine an alternative method for financial management as outlined in the act; and develop procedures to assist in the administration and implementation the program after reasonable notice to the public and a public hearing in a manner similar to requirements of the Administrative Procedures Act. The bill establishes requirements for a program manager. The bill establishes procedures for the operation and use of the accounts. The bill exempts account balances and distributions from savings accounts established under the act from levy and sale, garnishment, attachment or any other process that makes them unassignable. The provisions listed therein are subject to available funding by the Office of the State Treasurer. (Amended by Senate, Stricken Title, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 01/01/2017 **Emergency:** No

**Principal Authors:** Crain, Brian (S); Echols, Jon (H)

**Status:** S General Order **Status Date:** 02/24/2016

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**SB1130 Paraphrase:** SB1130, by Sen. Nathan Dahm, R-Broken Arrow and Rep. David



Ralph Brumbaugh, R-Broken Arrow, modifies legislative intent relating to the Administrative Procedures Act. The bill requires state agencies to publish rules exempt from the Administrative Procedures Act on their respective websites. It requires each agency to conduct an internal review by December 31 of each year of its rules to determine whether each of its rules is current and is a rule as such term is defined by the Administrative Procedures Act. It requires that an agency must respond to request to review its rules to determine whether or not the rules in question should be amended, repealed or redrafted by Executive Order by the Governor or either house of the Legislature or both houses of the Legislature by resolution or small business within 30 calendar days of such request. It prohibits any agency from adopting any emergency rule which identical to or substantially similar to any rule that has been disapproved by the Legislature within the previous 24 months. The bill authorizes the Secretary of State to publish "The Oklahoma Register" on its website and be made available electronically. The bill requires each agency with rulemaking authority to make rules available on its website. The bill requires each rule review committee or designate standing committees established by the Speaker of the House of the Representatives and the President Pro Tempore of the Senate to have the power to conduct a continuous study of the existing rules of each agency under its jurisdiction to determine if such rules should be amended or repealed by the Legislature. It

requires that if such rules are received by the Legislature by April 1, they will have until the last day of the regular legislative session of the next year to review said rules. It authorizes any such action to disapprove, approve, repeal or amend any rule to apply to any rule in whole in part. It authorizes the Legislature to take such action and provide further instructions to the agency that promulgated the rule. It authorizes an effective agency rule to be amended by the Legislature in a joint resolution if such resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution after final adoption, filing and publication. It requires that joint resolutions introduced for purposes of amending a rule not be subject to regular legislative cutoff dates and be limited to such provisions as may be necessary for amendment of a rule and any such direction or mandate regarding the rule deemed necessary by the Legislature. It requires that the resolution contain no other provisions. It allows any promulgated rule proceeding to contest on the ground of noncompliance with the procedural requirements listed therein to be commenced at any time. It allows the Legislature to have an omnibus joint resolution prepared for consideration each session. The bill modifies the time in which a final agency order issued by an administrative head of an agency to be subject to rehearing, reopening or reconsideration to 30 days from the date of the entry of such order. (Amended by Senate, Stricken Title, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Dahm, Nathan (S); Brumbaugh, David Ralph (H)

**Status:** S General Order **Status Date:** 02/17/2016

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**SB1209**  **Paraphrase:** SB1209, by Sen. Kimberly David, R-Porter and Rep. Elise Hall, R-Oklahoma City, allows awards presented by the Commission for Rehabilitation Services to be presented at a formal or informal ceremony, banquet or reception, the cost of which may be expended from monies available in the department's operating funds. The bill requires discussion regarding the selection of the annual Commissioner's Award to be confidential. - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Hall, Elise (H)

**Status:** H Introduced **Status Date:** 02/25/2016

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**SB1236**  **Paraphrase:** SB1236, by Sen. Kay Floyd, D-Oklahoma City and Rep. George Fought, R-Muskogee, modifies definitions used in the Administrative Procedures Act. The bill states transmission of a rule for legislative review on or before April 1 of each year will result in the approval of such rule by the Legislature if the Legislature is in regular session and has failed to disapprove

such rule before the last day of session after such rule has been submitted, unless the rule pertains to a fee increase. The bill prohibits any agency from enacting any rule unless approved by the legislature. The bill allows the Office of the Secretary of State to promulgate emergency rules to establish separate filing deadlines and review periods for finally adopted rules and to carry out the provisions of the act. (Amended by Senate, Stricken Title) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016 **Emergency:** No

**Principal Authors:** Floyd, Kay (S); Fought, George (H)

**Status:** S General Order **Status Date:** 02/15/2016

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**SB1276 Paraphrase:** SB1276, by Sen. Nathan Dahm, R-Broken Arrow and Rep.



George Fought, R-Muskogee, modifies the procedure related to legislative approval of administrative rules. The bill permits, rather than requires, the Legislature have an omnibus joint resolution prepared for consideration each session. It adds language permitting the Legislature to repeal or amend a proposed permanent rule. The bill clarifies language concerning when an agency believes a rule has been disapproved. The bill changes from "technical defect" to "nonsubstantive error" in the joint resolution approved by the Legislature that allows the Governor to take action to approve the rules by executive order. (Amended by Senate, Stricken Title) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Dahm, Nathan (S); Fought, George (H)

**Status:** S General Order **Status Date:** 02/08/2016

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**SB1325 Paraphrase:** SB1325, by Sen. Greg Treat, R-Oklahoma City and Rep. Tom



Newell, R-Seminole, removes language prohibiting charter schools from offering curriculum for deaf or blind students. (Emergency Measure) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 07/01/2016 **Emergency:** Yes

**Principal Authors:** Treat, Greg (S); Newell, Tom (H)

**Status:** S General Order **Status Date:** 02/15/2016

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**SB1466 Paraphrase:** SB1466, by Sen. Kimberly David, R-Porter and Rep. Jon Echols,



R-Oklahoma City, modifies the calculation of state employees' benefit allowance. The bill also requires Employees Group Insurance Board to offer health maintenance organization plans with the same actuarial value to the preferred provider organization plan with the highest level of benefits offered. The bill requires benefit plan contracts with the board, health maintenance

organizations, and other third party insurance vendors provide for a risk adjustment factor that is based on a comprehensive medical and pharmacy model to account for the majority of risk in the State of Oklahoma. (Amended by Senate, Stricken Title) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** 11/01/2016 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Echols, Jon (H)

**Status:** S General Order **Status Date:** 02/24/2016

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**SB1541 Paraphrase:** SB1541, by Sen. A J Griffin, R-Guthrie and Rep. John Enns, R-



Enid, modifies the duties of the State Department of Rehabilitation Services. The bill transfers all powers, duties, employees, functions, administrative rules and responsibilities of the Office of Disability Concerns to the State Department of Rehabilitation Services. It requires the transfer to include all equipment, supplies, records, assets, current and future liabilities, fund balances, encumbrances, obligations, and indebtedness associated with the Office of Disability Concerns, on July 1, 2016. It requires that any monies accruing to or in the name of the Office of Disability Concerns on and after the effective date, or any monies that accrue in any funds or accounts or are maintained for the benefit of the Office on and after the effective date to be transferred to the State Department of Rehabilitation Services. It requires the Department to succeed to any contractual rights and responsibilities incurred by the Office. It requires the Director of the Office of Management and Enterprise Services to coordinate the transfer of funds, allotments, purchase orders, and outstanding financial obligations or encumbrances as provided. It requires the Commission on Rehabilitation to promulgate rules. It repeals language relating to the Office of Disability Concerns. (Amended by Senate, Stricken Title) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No

**Principal Authors:** Griffin, A J (S); Enns, John (H)

**Status:** S General Order **Status Date:** 02/24/2016

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**SB1551 Paraphrase:** SB1551, by Sen. Dan Newberry, R-Tulsa, modifies the



calculation of state employees' benefit allowance. The bill also requires Employees Group Insurance Board to offer HMO plans with the same actuarial value to the PPO plan with the highest level of benefits offered. The bill removes the requirement that benefit plan contracts with the Board, health maintenance organizations, and other third party insurance vendors provide for a risk adjustment factor for adverse selection that may occur, as determined by the board, based on generally accepted actuarial principles. (Amended by Senate, Stricken Title, Stricken enacting clause, Committee Substitute) - © 2016 eCapitol, LLC. All rights reserved.

**Effective Date:** // **Emergency:** No  
**Principal Authors:** Newberry, Dan (S)  
**Status:** S General Order **Status Date:** 02/24/2016  
**Committee(1):** S Appropriations (S)

# Executive

# Order 2016-01



*Mary Fallin*  
Governor

**FILED**

JAN 21 2016

**EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER 2016-01**

OKLAHOMA SECRETARY  
OF STATE

Oklahomans rightly expect that public officers will be readily identifiable and accessible to the public and that relevant background and contact information will be prominently displayed on the website of each agency, board, or commission. Likewise, state law requires public bodies, as defined in Section 304 of Title 25 of the Oklahoma Statutes, to “make available on their Internet website the names of members of their governing bodies and such other information about the members as the public body may choose to include.” 74 O.S. § 3106.2(C).

Accordingly, in order to increase transparency and improve the functionality and usefulness of the [www.ok.gov](http://www.ok.gov) website, I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. Every State Agency website on [www.ok.gov](http://www.ok.gov) shall include a webpage accessible within two clicks of the homepage that includes, at a minimum, the name of each individual currently serving on the governing body; a telephone number at which each individual currently serving on the governing body may be reached or at which a voicemail message for the individual may be recorded; and an email address at which any or all of the individuals currently serving on the governing body may be contacted.
2. It shall be the responsibility of every State Agency to ensure that this Order is implemented in a timely fashion; to provide a state email address for all individuals serving on the Agency’s governing body and to require its exclusive use when state business is being conducted via email; to ensure that posted information is reviewed for accuracy and updated, as needed; and to make certain that the members of the Agency’s governing body routinely access, monitor, and respond to their electronic and voicemail messages.

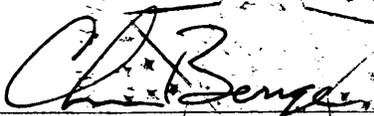
This Executive Order shall be distributed to all members of the Governor’s Executive Cabinet and the chief executives of all State Agencies, who shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 19<sup>th</sup> day of January 2016.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
\_\_\_\_\_  
MARY FALLIN

ATTEST:

  
  
\_\_\_\_\_  
CHRIS BENGE, SECRETARY OF STATE

# Commission

# Minutes

State of Oklahoma  
Commission for Rehabilitation Services  
Department of Rehabilitation Services  
3535 NW 58<sup>th</sup> Street, Suite 200  
Oklahoma City, OK 73112  
Regular Meeting  
February 8, 2016  
Minutes

**PRESENT**

Lynda Collins, Commission Chair  
Steve Shelton, Commission Member  
Jack Tucker, Commission Member  
Linda Santin, Commission Assistant

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 10:30 am by Commission Chair Collins. Commission Assistant Santin called the roll. All Commissioners were present.

**STATEMENT OF COMPLIANCE**

Commission Assistant Santin confirmed the Commission for Rehabilitation Services is in compliance with the Open Meetings Act.

**INTRODUCTION OF GUESTS**

Commission Chair Collins introduced Carol Brown, newly appointed Assistant to the Commission.

**REPORTS**

**LEGISLATIVE REPORT**

Commission Chair Collins recognized Kevin Nelson, DRS Legislative Liaison, to present his report since he had to go back to the Legislature today. Mr. Nelson expanded upon his written report. He said the next five months are going to be a very busy time for him. The budget is even more severe now than it was when he wrote his report.

Mr. Nelson listed the bills he is currently monitoring. SB 1325, removing the prohibition on charter schools that compete with OSB and OSD, is one he feels he will need the most direction from the agency. There was some discussion on SB 1325 about the lack of services that may not be provided to the students and expenses would not be reduced since the expenses for the schools are not scalable.

Commission Chair Collins asked if there was any more discussion on Mr. Nelson's report and there was none.

Commission Chair Collins apologized for deviating from the agenda but there is a need for an Executive Session. Commission Chair Collins called for a motion to convene into an Executive Session. Commissioner Shelton made the Motion and Commissioner Tucker seconded. All three Commissioners voted in the affirmative. Motion passed.

The Commission went into Executive Session.

Commission discussion in the Executive Session was limited to the recent hiring of the Superintendent of the School for the Blind and the job performance of the Director.

### **COMMISSION RECONVENES**

Commission Chair Collins asked for a vote to reconvene the regular meeting. All Commissioners were present and Commissioner Tucker made the motion to reconvene, Commissioner Shelton seconded and all three Commissioners voted in the affirmative to reconvene. Motion passed.

At this point, Commission Chair Collins said she is tabling everything else on the agenda until next month and adjourned the meeting at 12:30 pm.

# Commission

# Minutes

State of Oklahoma  
Commission for Rehabilitation Services  
Department of Rehabilitation Services  
3535 NW 58<sup>th</sup> Street, Suite 200  
Oklahoma City, OK 73112  
Special Meeting  
February 12, 2016  
Minutes

**PRESENT**

Lynda Collins, Commission Chair  
Steve Shelton, Commission Member  
Jack Tucker, Commission Member  
Linda Santin, Commission Assistant

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 3:00 pm by Commission Chair Collins. Commission Assistant Santin called the roll. All Commissioners were present.

**STATEMENT OF COMPLIANCE**

Commission Assistant Santin confirmed the Commission for Rehabilitation Services is in compliance with the Open Meetings Act.

**EXECUTIVE SESSION**

Commission Chair Collins asked for a Motion to convene into Executive Session. Commissioner Shelton made the Motion, and Commissioner Tucker seconded. All three Commissioners voted in the affirmative. Motion passed. The Commission went into Executive Session. The Commission's discussion in the Executive Session was limited to the issue of Director Cordova's letter of resignation and the appointment of an interim director.

**COMMISSION RECONVENES**

Commission Chair Collins asked for a vote to reconvene the special meeting. All Commissioners were present and Commissioner Shelton made the Motion to reconvene, Commissioner Tucker seconded and all three Commissioners voted in the

affirmative to reconvene. Motion passed.

Commission Chair Collins stated the Commission had received a letter of resignation from Mr. Joe Cordova. She asked for a Motion as to what action to take.

Commissioner Tucker made the Motion to accept Mr. Cordova's resignation.

Commissioner Shelton seconded the Motion and all three Commissioners voted in the affirmative. Motion passed.

Commission Chair Collins asked for a Motion on the appointment of Interim Director Noel Tyler. Commissioner Shelton moved the Commission appoint Noel Tyler to serve as Interim Director. Commissioner Tucker seconded the Motion and all three Commissioners voted in the affirmative. Motion passed.

Commission Chair Collins adjourned the meeting at 4:30 pm.

# **Proposed External Policy Changes**

1 **612:1-5-3. Division of Vocational Rehabilitation for the Blind & Visually Impaired**  
2 **(DVRBVI) [AMENDED]**  
3

4 The Division of Vocational Rehabilitation for the Blind & Visually Impaired provides  
5 diagnostic, counseling and guidance, physical restoration, training, and other services to  
6 individuals whose major disability is blindness, or severe visual impairments ~~and/or~~  
7 ~~diabetes~~. All departmental managers and Vocational Rehabilitation for the Blind & Visually  
8 Impaired Field Coordinators report directly to the Division Administrator or designee.  
9 Rehabilitation teachers for the blind provide in-home training, counseling and instruction in  
10 daily-living skills to blind individuals. DRS has field staff assigned to meet the needs in  
11 every county of the state, although staff may not be officed in each county. Local office staff  
12 report to VRBVI Program Managers, who report to the Field Coordinators. The Oklahoma  
13 Library for the Blind and Physically Handicapped provides books and magazines in special  
14 media to blind and print-limited Oklahomans. The Division of Vocational Rehabilitation for  
15 the Blind & Visually Impaired administers the Randolph-Sheppard Business Enterprise  
16 Program in Oklahoma, securing suitable locations for vending facilities; designing and  
17 installing equipment; recruiting, training, placing and supervising operators for the facilities.

1 **612:1-17-2. Scope and description of the Open Meetings Act [AMENDED]**  
2

3 The Oklahoma Commission for Rehabilitation Services public meetings are conducted  
4 in compliance with the Oklahoma Open Meeting Act. [25 O.S. § 301 through 314] The  
5 Oklahoma Secretary of State website serves as the open meeting clearinghouse.  
6

7 ~~(a) **General provisions.** The Oklahoma Open Meetings Act is codified in 25 O.S. Sections~~  
8 ~~301 through 314. In general the purpose of this Act is to ensure that all meetings of public~~  
9 ~~bodies are open to the public, to encourage and facilitate an informed citizenry's~~  
10 ~~understanding of the governmental process and governmental problems. In all meetings of~~  
11 ~~public bodies, the vote of each member shall be publicly cast and recorded. No information~~  
12 ~~gatherings or any other means of communications (telephonic or electronic) among a~~  
13 ~~majority of the members of a public body shall be used to decide any action, take any vote~~  
14 ~~on a matter or otherwise attempt circumvention of the Act. The proceedings of a public~~  
15 ~~body are to be kept in the form of written minutes. The minutes are an official summary of~~  
16 ~~the proceedings, showing those members present and absent, all matters considered and~~  
17 ~~all actions taken by the body. The minutes of each meeting are open to public inspection~~  
18 ~~and shall reflect the manner and time of notice required by the Act.~~  
19

20 ~~(b) **Definitions.** The following words and terms, when used in this section, shall have the~~  
21 ~~following meaning unless the context clearly indicates otherwise:~~  
22

23 ~~(1) **"Continued or recommended meeting"** means a meeting which is assembled for~~  
24 ~~the purpose of finishing business appearing on an agenda of a previous meeting.~~  
25

26 ~~(2) **"Emergency meeting"** means any meeting called for the purpose of dealing with~~  
27 ~~an emergency such as a situation involving injury to person or injury and damage to~~  
28 ~~public or personal property or immediate financial loss.~~  
29

30 ~~(3) **"Executive session"** means closed meetings of public bodies, which can occur~~  
31 ~~only on a vote by a majority of a quorum of the members present, and which are~~  
32 ~~permitted only for the purpose of:~~  
33

34 ~~(A) discussing the employment, hiring, appointment, promotion, demotion,~~  
35 ~~discipline or resignation of any officer or employee of the public body;~~  
36

37 ~~(B) the confidential communications between a public body and its attorney~~  
38 ~~concerning a pending investigation, claim, or action if the body determines, upon~~  
39 ~~advise of counsel, that disclosure will seriously impair the ability to process the~~  
40 ~~claim or conduct a pending investigation, litigation, or proceeding in the public~~  
41 ~~body;~~  
42

43 ~~(C) for the purpose of discussing negotiations concerning employees and~~  
44 ~~representatives of employee groups; and,~~  
45

46 ~~(D) discussing the purchases or appraisal of real property. The vote or action~~  
47 ~~thereon must be taken in public and the vote of each member publicly cast and~~  
48 ~~recorded.~~

49  
50 ~~(4) "Meeting" means the conducting of business of a public body by a majority of its~~  
51 ~~members being personally together.~~

52  
53 ~~(5) "Public body" means all Department boards, bureaus, commissions, trusteeships,~~  
54 ~~authorities, councils, committed public trust, task forces, or study groups supported in~~  
55 ~~whole or in part by public funds or entrusted with the expending of public funds or~~  
56 ~~administering public property.~~

57  
58 ~~(6) "Regularly scheduled meeting" means a meeting at which the regular business~~  
59 ~~of the public body is conducted.~~

60  
61 ~~(7) "Special meeting" means a meeting of a public body other than a regularly~~  
62 ~~scheduled meeting.~~

63  
64 ~~(c) **Advance notice.** All regularly scheduled meetings shall be held at specified times and~~  
65 ~~places which are convenient to the public and shall be open to the public, except as~~  
66 ~~outlined in the definition of "Executive sessions" in this Section.~~

67  
68 ~~(1) Public bodies are to give notice in writing by December 15 of each calendar year of~~  
69 ~~the scheduled meetings. A copy of the notice shall be given to the Secretary of State.~~  
70 ~~The Secretary of State will keep a record of all notices in a register open to the public~~  
71 ~~for inspection.~~

72  
73 ~~(2) If any change is to be made in the date, time or place of the meeting, then a notice~~  
74 ~~in writing is given to the Secretary of State not less than ten days prior to the meeting.~~

75  
76 ~~(3) The Administrative Assistant to the Commission for Rehabilitation Services will~~  
77 ~~forward all schedules and changes for the Commission to the Secretary of State. In~~  
78 ~~addition the Administrative Assistant to the Commission for Rehabilitation Services will~~  
79 ~~mail copies to each newspaper, person, radio, and television station that has filed a~~  
80 ~~written request to receive such notices. The written request is to be renewed annually~~  
81 ~~and the Department may charge a fee of up to \$18.00 per year for this service.~~

82  
83 ~~(d) **Posting of notice - regularly scheduled meetings.** In addition to advance notice, at~~  
84 ~~least twenty-four hours prior to the meeting, public notices are to be displayed/posted in~~  
85 ~~prominent public view at the principal office and at the location of the meeting. The notices~~  
86 ~~are to include the following: name of the meeting, date, time, place, and the agenda. The~~  
87 ~~twenty-four hour period for posting excludes holidays declared by the State and Saturdays~~  
88 ~~or Sundays. The posting of an agenda does not preclude a body from considering any item~~  
89 ~~as new business if the item was not known about or could not have been reasonably~~  
90 ~~foreseen prior to the time of posting.~~

91

92 ~~(e) **Special meetings.** Prior to a special meeting, the Secretary of State is to be given~~  
93 ~~notice at least forty-eight hours before the meeting. The notice is to be given in writing, in~~  
94 ~~person or by telephone and must include the date, time, place, and agenda of the meeting.~~  
95 ~~In addition, the twenty-four hour posting notice in this Section is to be followed.~~

96  
97 ~~(f) **Emergency meetings – advance and posting notice.** An emergency meeting may be~~  
98 ~~held without the notices required in this Section. Should an emergency meeting be~~  
99 ~~necessary, as much~~  
100 ~~advance notice is given as is reasonable and possible under the circumstances. This notice~~  
101 ~~is given in person, by telephone, or other means.~~

102  
103 ~~(g) **Penalties.** Any action taken in willful violation of the Open Meeting Act is invalid and~~  
104 ~~persons willfully violating any provision of the Act are guilty of a misdemeanor, and upon~~  
105 ~~conviction are punished by a fine not to exceed \$500.00 or by imprisonment in a county jail~~  
106 ~~for a period not to exceed one year, or both by fine and imprisonment.~~

## PART 1. GENERAL PROVISIONS

612:3-5-1. Purpose [AMENDED]

The purpose of this Chapter is to set forth the policies and procedures governing the operations of the Process Improvement Unit and its subsections, Program Standards, Case Review, and Policy, of the Department of Rehabilitation Services. The policies in this Chapter are promulgated under the authority of the Commission for Rehabilitation Services as established in 74 O.S., Section 166.1 et seq and the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

~~(a) The purpose of this Subchapter is to present the methods the Department of Rehabilitation Services will use to comply with the Administrative Procedures Act. Authority for the policies contained in this Subchapter derive from enabling legislation for the Department, 74 O.S., Sections 166.1 et seq.; and the Administrative Procedures Act, 75 O.S., Sections 250 et seq. These policies are also based upon regulations published by the Office of Administrative Rules, OAC Title 655. Where Department policy is silent on policy development or program standards, decisions will be based upon regulations published by the Office of Administrative Rules, or upon regulations published by the Rehabilitation Services Administration.~~

~~(b) Agency policy communicates the expected standards for staff conduct and provides the necessary direction for carrying out the agency' mission. The intent of policy is to provide a common basis for decision making so that individuals can expect equitable treatment when dealing with the agency. Our policy is a public document so that the public will have the opportunity to know the mission of our program and how this agency intends to carry out that mission.~~

~~(c) Those who carry out policy, and those who are affected by it, will be given the opportunity to influence its development. This will be accomplished through direct involvement of appropriate agency staff and consumer representatives, as appropriate, in the policy development process.~~

~~(d) The success of fulfilling the agency's mission will be evaluated through measures appropriate to the particular program. Compliance with regulatory requirements will also be measured. The results of such evaluations will be reported to appropriate entities, including consumer councils.~~

## PART 3. POLICY DEVELOPMENT

### 612:3-5-12. Policy Development

(a) ~~Policy Development is charged with assuring that the Department complies with the Administrative Procedures Act. This responsibility includes:~~**Purpose of Policy.** Agency policy communicates the expected standards for staff conduct and provides the necessary direction for carrying out the agency's mission. The intent of policy is to provide a common basis for decision making so that individuals can expect equitable treatment when dealing with the agency. Our policy is a public document, maintained as part of the Oklahoma Administrative Code by the Office of Administrative Rules, in the Secretary of State's Office, so that the public will have the opportunity to know the mission of our program and how this agency intends to carry out that mission.

~~(1) Ensuring that all Department statements of general applicability and future effect that implement, interpret, or prescribe law or policy, or describe the procedures or practice requirements of the Department are promulgated in accordance with the APA.~~

~~(2) That the public receives proper notice of the Department's intent to adopt, amend, or revoke rules so that opportunity is provided for public and consumer input during the rulemaking process.~~

~~(3) Management of the promulgation process for the Department in an efficient and effective manner that complies with the APA.~~

(b) ~~The Administrator of the Policy Development and Program Standards Unit, or designee, serves as the Department's liaison to the Office of Administrative Rules in the Office of the Secretary of State. This administrator, or designee also serves as the attestation officer, as delegated by the Oklahoma Commission for Rehabilitation Services, for purposes of 75 O.S., Section 254. An Administrative Officer within Policy Development will be designated as the back-up attestation officer for the Department.~~ **DRS Staff Responsibility.** DRS staff are expected to be thoroughly familiar with agency policies pertaining to their conduct and program.

(1) Supervisors and managers are responsible for ensuring that staff under their supervision are familiar with all policy and updates, and that their staff receive training on policy and updates.

(2) Staff are expected to use professional judgment in conducting the agency's business. The policies of this agency are to inform and guide the professional judgment and conduct of staff. When a staff person needs guidance in making a decision, the first step is to consult agency policy.

(c) ~~Once a Division or the Executive Office has developed proposed policy and supporting documentation, Policy Development staff will format and prepare the resulting documents for submission to the Commission for action. From that point, Policy Development staff will~~

47 ~~be responsible for the promulgation process from initial notices through distribution of the~~  
48 ~~adopted policy.~~ **Process Improvement Policy Section Responsibility.** The Policy Section  
49 is charged with assuring that the Department complies with the Administrative Procedures  
50 Act. This responsibility includes:

51  
52 (1) Ensuring that all Department statements of general applicability and future effect  
53 that implement, interpret, or prescribe law or policy, or describe the procedures or  
54 practice requirements of the Department are promulgated in accordance with the APA.

55  
56 (2) That the public receives proper notice of the Department's intent to adopt, amend,  
57 or revoke rules so that opportunity is provided for public and consumer input during the  
58 rulemaking process.

59  
60 (3) Management of the promulgation process for the Department in an efficient and  
61 effective manner that complies with the APA.

62  
63 (4) The Administrator of the Process Improvement Unit, or designee, shall serve as the  
64 Department's liaison to the Office of Administrative Rules in the Office of the Secretary  
65 of State. The administrator will also designate a staff member to act in the capacity of  
66 back-up liaison.

67  
68 (5) The Administrator of the Process Improvement Unit, or designee, shall also serve  
69 as the attestation officer, as delegated by the Oklahoma Commission for Rehabilitation  
70 Services, for purposes of 75 O.S., Section 254. The administrator will also designate a  
71 staff member to act in the capacity of back-up attestation officer.

72  
73  
74 ~~(d) Policy Development staff is responsible for review of Departmental publications to~~  
75 ~~assure consistency with existing policy, and conformance with the APA.~~ **Drafting of New or**  
76 **Revised Policy.** In compliance with the Administrative Procedures Act, new policy may be  
77 developed or an existing policy revised utilizing the following procedures:

78  
79 (1) Each Division Administrator, Unit Administrator, and School Superintendent is  
80 responsible for ensuring that Departmental policies for his or her program conform to  
81 the requirements of applicable statutes and regulations, and are effective in achieving  
82 their program's mission.

83  
84 (2) When a program administrator, or the Director, decides there is a need to draft new  
85 policy, or to amend existing policy,

86  
87 (A) The program administrator will initiate drafting content through whatever  
88 method deemed most effective by the administrator. Policy Section staff are  
89 available to provide guidance if requested.

91 (B) The program administrator will provide to Policy Section staff the completed  
92 draft content, the reasons for changing the policy and any budgetary impact these  
93 changes may incur.

94  
95 (C) Policy Section staff will format the draft content in accordance with APA  
96 standards. Once drafted, Policy Section staff will consult with the program  
97 administrator concerning any needed revisions and produce a revised draft.

98  
99 (D) Revised draft policy will be distributed to Executive Team members for further  
100 review and response. Comments and suggestions for revision will be provided to  
101 the program administrator. The program administrator shall consider the  
102 comments and suggestions for inclusion and may revise the content again if  
103 appropriate.

104  
105 (E) The program administrator will provide the latest draft version to the Policy  
106 Section. Policy Section staff will provide this draft version to agency staff for  
107 comment.

108  
109 (F) Agency staff shall be notified via e-mail that draft policy is available for  
110 comment. The notification will include:

111  
112 (i) Identification and summary of the draft policy;

113  
114 (ii) General instructions on where the draft policy can be accessed;

115  
116 (iii) How to submit comments, and the due date for submission of comments,  
117 and;

118  
119 (iv) Where to direct questions about the draft policy.

120  
121 (G) Policy Section staff will collect and collate agency staff comments and develop  
122 a summary. The collated comments and the summary will be provided to the  
123 originating program administrator for consideration.

124  
125 (H) The program administrator will decide on what policy changes to make in  
126 response to the submitted comments, if any. The program administrator will also  
127 draft responses to the comments, which will at a minimum explain any instance in  
128 which staff recommendations were not adopted and will send the response to the  
129 Policy Section so it can be forwarded to the respective commentator.

130  
131 (I) Policy Section staff will work with the program administrator to finalize draft  
132 policy. This step will include a final check by the program administrator for  
133 consistency with existing policies, regulations, and applicable statutes. Policy  
134 Development staff will obtain authorization from the appropriate program  
135 administrator to proceed with promulgation of the draft policy.

136

137 (J) When the draft policy pages are submitted to the Policy Section for  
138 promulgation, the draft policy is then referred to as proposed policy.

139  
140 (e) Adoption of New or Revised Policy. Proposed policy must be approved by the DRS  
141 Commission prior to submission for promulgation.

142  
143 (1) Policy Section staff will submit the proposed policy and/or notice, including  
144 executive summary and resolution, to the Director for review and to the Commission  
145 support staff by the established deadline for inclusion in the Commission meeting  
146 packet.

147  
148 (2) The originating administrator, with the assistance of the Administrator of Process  
149 Improvement, will be responsible for the presentation of proposed policy at the  
150 Commission meeting. Once proposed policies are presented to the Commission for  
151 approval their content will not be changed unless so ordered by the Commission.

152  
153 (3) Upon adoption of the proposed policy by the Commission, Policy Section staff will  
154 manage the promulgation process.

155  
156 (f) Effective Dates of Policy Revisions. The effective dates of policy revisions will be  
157 determined by the policy type.

158  
159 (1) The effective date will be noted on each page of the adopted policy. Whether  
160 internal management policies or administrative code, policies can only be applied  
161 prospectively from their effective date.

162  
163 (2) Internal management policies that do not fall under the APA become effective  
164 immediately upon adoption by the Commission.

165  
166 (3) Permanent rules become effective ten days after they are published in the  
167 Oklahoma Register pursuant to the APA. DRS permanent rules will usually be  
168 published following the legislative session. If a later date is specified in statute, or in the  
169 rules, the later date will become the effective date.

170  
171 (4) Emergency rules become effective immediately or at a stated date after  
172 certification by the Governor. The Governor has forty-five calendar days from the date  
173 rules are submitted to review them.

174  
175 (5) Policy Section staff will notify the appropriate Division Administrator,  
176 Superintendent, and the Director of approvals.

177  
178 (g) Permanent Rules; Modification Limitations. Once the Governor and Legislature  
179 have approved the rules, they may only be modified or revoked through the rulemaking  
180 process. The APA states that any agency shall not by internal policy, memorandum, or  
181 other action not otherwise authorized by the APA:

182

183 (1) amend, interpret, implement or repeal a statute or a rule;

184  
185 (2) expand upon or limit a statute or rule; and;

186  
187 (3) except as authorized by the Constitution of the United States, the Oklahoma  
188 Constitution or a statute, expand or limit a right guaranteed by the Constitution of the  
189 United States, the Oklahoma Constitution, a statute, or a rule.

190  
191 **(h) Petition Requesting Promulgation.** Per the APA, any interested person or group  
192 may petition the Department requesting the promulgation, amendment, or repeal of a rule.

193  
194 (1) The petition must be submitted in writing to the Director of the Department of  
195 Rehabilitation Services at the Department's state office. A request to amend or repeal  
196 a rule will include a copy of the rule in question.

197  
198 (2) The Department shall act upon such a request within a reasonable time period;  
199 however; if the Department does not initiate rulemaking proceedings within 30 calendar  
200 days of receiving the request, the petition will be considered to have been denied.

1 **612:3-5-13. Drafting of new or revised policy [REVOKED]**

2  
3 ~~(a) The administrators in each division, at each school, and in the executive offices are~~  
4 ~~responsible for keeping informed of the statutes and regulations which govern the operation~~  
5 ~~of programs under their authority. These administrators are also in the best position to~~  
6 ~~know the needs of his or her programs' consumers, staff, and service partners. Each~~  
7 ~~Division Administrator, Unit Administrator, and School Superintendent is therefore~~  
8 ~~responsible for ensuring that Departmental policies for his or her program conform to the~~  
9 ~~requirements of applicable statutes and regulations, and are effective in achieving their~~  
10 ~~program's mission. Whenever possible, drafting of new or revised policies should begin at~~  
11 ~~least twelve months in advance of their intended effective date.~~

12  
13 ~~(b) When an administrator, or the Director, decides there is a need to draft new policy, or~~  
14 ~~to amend existing policy, the Unit Administrator, Division Administrator, Superintendent,~~  
15 ~~Chief of Staff or Director will assure that sufficient opportunity for input on the needed~~  
16 ~~changes will be given to individuals and groups as designated by the administrator or~~  
17 ~~Director. The appropriate program administrator will provide the Policy Development staff~~  
18 ~~the reasons for changing policy as well as any budget impact these changes may incur~~  
19 ~~and is to consult with Policy Development staff about the need to arrange for, announce,~~  
20 ~~and hold any public forums. Public comments and responses to them must be submitted to~~  
21 ~~the Policy Development Section for inclusion in the rulemaking record. Policy Development~~  
22 ~~staff assistance in developing a summary of comments and responses is available.~~

23  
24 ~~(c) The appropriate program administrator will initiate drafting of policy content through~~  
25 ~~whatever method deemed most effective by the administrator. Policy Development Section~~  
26 ~~staff will provide assistance as requested. The Policy Development Section will be~~  
27 ~~responsible for drafting Departmental policy pages using the content drafts provided by the~~  
28 ~~appropriate program administrator. Once this first draft is completed, Policy Development~~  
29 ~~staff will consult with the appropriate administrator concerning any needed revisions. When~~  
30 ~~these are completed, the draft policy will be distributed to Executive Team members for~~  
31 ~~review and response. Administrators will consider comments and revise drafts as~~  
32 ~~appropriate, providing final draft versions to the Policy Development Section. The~~  
33 ~~appropriate program administrator will determine when the draft policy is ready for~~  
34 ~~distribution to Departmental staff for comment. Staff comment will be obtained as follows:~~

35  
36 ~~(1) An email will be addressed to all Departmental staff advising them that the draft~~  
37 ~~policy is available for comment, and will include:~~

38  
39 ~~(A) identification and summary of the draft policy;~~

40  
41 ~~(B) general instructions on where the draft policy can be accessed;~~

42  
43 ~~(C) how to submit comments, and the due date for submission of comments; and~~

44  
45 ~~(D) where to direct questions about the draft policy.~~

46

47 ~~(3) Comments will be sent to the Policy Development Section where they will be~~  
48 ~~collated, and a summary of them developed. The summary and collated comments will~~  
49 ~~be provided to the appropriate program administrator. The appropriate program~~  
50 ~~administrator will decide on what policy changes to make in response to the submitted~~  
51 ~~comments, if any. The appropriate program administrator will draft responses to the~~  
52 ~~comments, which will at a minimum explain any instance in which staff~~  
53 ~~recommendations were not adopted and will send the response to the Policy unit so it~~  
54 ~~can be forwarded to the respective commentator.~~

55  
56 ~~(4) Policy Development staff will work with the appropriate program administrator to~~  
57 ~~finalize draft policy. This step will include a final check for consistency with existing~~  
58 ~~policies, regulations, and applicable statutes. Policy Development staff will obtain~~  
59 ~~authorization from the appropriate program administrator to proceed with promulgation~~  
60 ~~of the draft policy.~~

61  
62 ~~(d) When the draft policy pages are submitted to the Policy Development Section for~~  
63 ~~promulgation, the draft policy is then referred to as proposed policy. Policy Development~~  
64 ~~staff will submit the proposed policy and/or notice, including executive summary and~~  
65 ~~resolution, to the Director for review prior to submission to the Commission for discussion~~  
66 ~~or action.~~

1 **612:3-5-14. Adoption of new or revised policy [REVOKED]**

2  
3 ~~(a) Policy Development gives proposed policy to the Director for review and to the~~  
4 ~~Administrative Assistant for the Commission by the established deadline for inclusion in the~~  
5 ~~Commission meeting packet. The originating administrator, with the assistance of the~~  
6 ~~PDPS Administrator, will be responsible for the presentation of proposed policy at the~~  
7 ~~Commission meeting.~~

8  
9 ~~(b) Upon adoption of the proposed policy by the Commission, Policy Development staff will~~  
10 ~~manage the promulgation process.~~

11  
12 ~~(1) Internal management policies will be formatted for the DRS Policy Manual and the~~  
13 ~~effective date will be the date the commission approves the policy.~~

14  
15 ~~(2) Permanent or emergency rules will be managed through the Governor's and~~  
16 ~~Legislature's offices. Formatting and publishing in the Department's policy manual will~~  
17 ~~be done after gubernatorial and legislative approval have been obtained.~~

18  
19 ~~(c) Once proposed policies are presented to the Commission for approval their content will~~  
20 ~~not be changed unless so ordered by the Commission. Once proposed rules are adopted~~  
21 ~~by the Commission, a vote of the Commission will be required to withdraw proposed rules~~  
22 ~~from the rulemaking process. Once the Governor and Legislature have approved the rules,~~  
23 ~~they may not be withdrawn from the rulemaking process, and can only be revoked through~~  
24 ~~the rulemaking process.~~

1 **612:3-5-15. When new or revised policy becomes effective [REVOKED]**

2  
3 ~~(a) The effective date will be noted on each page of the adopted policy. Whether internal~~  
4 ~~management policies or administrative code, policies can only be applied prospectively~~  
5 ~~from their effective date.~~

6  
7 ~~(b) Internal management policies that do not fall under the APA become effective after~~  
8 ~~adoption by the Commission.~~

9  
10 ~~(c) Permanent rules become effective ten days after they are published in the Oklahoma~~  
11 ~~Register pursuant to the APA. DRS permanent rules will usually be published following the~~  
12 ~~legislative session. If a later date is specified in statute, or in the rules, the later date will~~  
13 ~~become the effective date.~~

14  
15 ~~(d) Emergency rules become effective immediately or at a stated date after certification by~~  
16 ~~the Governor. The Governor has forty five calendar days from the date rules are submitted~~  
17 ~~to review them.~~

18  
19 ~~(e) Policy Development staff will notify the appropriate Division Administrator,~~  
20 ~~Superintendent, and the Director of approvals.~~

1 **612:3-5-16. State office memoranda [REVOKED]**

2  
3 ~~(a) The APA states that an agency shall not by internal policy, memorandum, or other~~  
4 ~~action not otherwise authorized by the APA:~~

5  
6 ~~(1) amend, interpret, implement, or repeal a statute or a rule;~~

7  
8 ~~(2) expand upon or limit a statute or rule; and~~

9  
10 ~~(3) except as authorized by the Constitution of the United States, the Oklahoma~~  
11 ~~Constitution or a statute, expand or limit a right guaranteed by the Constitution of the~~  
12 ~~United States, the Oklahoma Constitution, a statute, or a rule.~~

13  
14 ~~(b) State office memoranda are those containing information or procedural direction issued~~  
15 ~~by administrators in state office for general distribution. Types of state office memoranda~~  
16 ~~and designation of those authorized to issue them will be established by the Director.~~

17  
18 ~~(c) Reviews of state office memoranda by Policy Development staff may be done in order~~  
19 ~~to:~~

20  
21 ~~(1) assure consistency of memoranda content with existing Departmental policy; and~~

22  
23 ~~(2) assure state office memoranda content does not violate the APA.~~

1 **612:3-5-17. Department publications [REVOKED]**

2  
3 ~~Agency publications, including brochures, handbooks, manuals, or other publications~~  
4 ~~are not the Department's official rules. The official rules of this Department are those as~~  
5 ~~published in the Oklahoma Register, and included in the OAC. All agency publications are~~  
6 ~~to be reviewed by the Policy Development Section prior to publication.~~

1 **612:3-5-18. Petition requesting promulgation [REVOKED]**

2  
3 ~~(a) An interested person or group may petition the Department requesting the~~  
4 ~~promulgation, amendment, or repeal of a rule. The Department will act upon such a request~~  
5 ~~within a reasonable period of time. However, if the Department does not initiate rulemaking~~  
6 ~~proceedings within 30 calendar days of receiving the request, the petition will be~~  
7 ~~considered to have been denied.~~

8  
9 ~~(b) A petition requesting promulgation must be submitted in writing to the Director of the~~  
10 ~~Department of Rehabilitation Services at the Department's state office. A request to amend~~  
11 ~~or repeal a rule will include a copy of the rule in question.~~

1 **612:3-5-19. DRS staff responsibility [REVOKED]**

2  
3 ~~(a) The DRS Policy Manual communicates the expected standards for staff conduct and~~  
4 ~~provides the necessary direction for carrying out the mission of this agency. The official~~  
5 ~~rules of the Department are maintained as part of the Oklahoma Administrative Code by~~  
6 ~~the Office of Administrative Rules, in the Secretary of State's office.~~

7  
8 ~~(b) Staff are expected to use professional judgement in conducting the agency's business.~~  
9 ~~The policies of this agency are to inform and guide the professional judgement and conduct~~  
10 ~~of staff. When a staff person needs guidance in making a decision, the first step is to~~  
11 ~~consult agency policy.~~

12  
13 ~~(c) DRS staff are expected to be thoroughly familiar with agency policies pertaining to their~~  
14 ~~conduct and program. Supervisors and managers are responsible for ensuring that staff~~  
15 ~~under their supervision are familiar with all policy and updates, and that their staff receive~~  
16 ~~training on policy and updates.~~

**PART 5. PROGRAM STANDARDS****612:3-5-29. Program Standards [AMENDED]**

(a) ~~The Program Standards section is responsible for conducting studies and reviewing statistical data that measures agency performance based on the program standards established by individual divisions, schools and units or programs. Performance measures may include qualitative and/or quantitative analysis of service delivery and service outcomes, customer satisfaction, and employee climate, as well as measuring compliance with various agency strategic planning documents. The section serves as a resource to agency programs regarding statistical research and analysis.~~ **Purpose of Program Standards.** The purpose of the Program Standards Section is to inform agency strategic decision-making and support agency programs through the use of research, statistical analysis, program evaluation and process improvement methodologies aimed at improving programmatic outcomes.

(b) ~~Program Standards staff will also produce appropriate reports of its findings. Such reports will be designed to provide the relevant information in a useful format.~~ **Responsibilities of Program Standards.** Program Standards staff are charged with supporting agency programs by:

(1) Conducting studies and surveys of agency staff, clients and the public to determine opinions and needs regarding agency programs;

(2) Analyzing statistical data collected either by the agency or obtained from recognized external data sources regarding client demographics, behavior, participation, needs and outcomes to inform program administrators and agency leadership;

(3) Applying program evaluation methodologies to agency programs, either formative or summative, focused on process/implementation fidelity, outcomes/performance measures, or cost effectiveness/efficiency;

(4) Through the use of Lean and Six Sigma methodologies, facilitating work groups to analyze and streamline business processes, identify and correct areas of programmatic concern, and improve effectiveness and efficiency of programmatic flow;

(5) Verifying, cleaning and reporting data to the Rehabilitations Services Administration as required by federal regulation;

(6) Participating, as required, in external auditing procedures by state or federal entities;

(7) Monitoring programmatic outcomes for report to program and agency leadership.

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62

~~(c) Survey, sampling, review, and reporting techniques will be so designed as to keep the identity of individuals confidential within Department policy.~~ **Federal Data Reporting.**  
Federal regulation requires the reporting of data to RSA on a periodic basis.

(1) Data will be cleaned, verified, and if necessary, corrected prior to submission.

(2) Federal reports will be submitted prior to or on the deadline date specified by RSA.

(3) The Administrator of Process Improvement, or designee, shall serve as the data submission liaison with RSA. The administrator shall designate a backup staff member from Program Standards to fulfill federal reporting standards in the absence of the primary liaison.

**(d) Confidentiality.** All activities of the Program Standards Section will be conducted in a manner to ensure the confidentiality of participants.

1 **612:3-5-30. Vocational Rehabilitation and Vocation Rehabilitation for the Blind &**  
2 **Visually Impaired compliance reviews [REVOKED]**  
3

4 ~~(a) Assigned Case Review staff will conduct reviews on a random sample of closed cases~~  
5 ~~to determine if case documentation indicates consumers are being served according to~~  
6 ~~standards established by the Rehabilitation Act and agency policy. Staff will use the~~  
7 ~~instrument currently approved by the Director or designee and will report their findings to~~  
8 ~~appropriate staff on a regular schedule.~~  
9

10 ~~(b) Upon request and as other duties allow, Case Review staff will conduct reviews of~~  
11 ~~active cases and will report their findings to appropriate staff within agreed-upon deadlines.~~  
12

13 ~~(c) Case Review staff will participate in compliance reviews conducted by RSA as~~  
14 ~~assigned. RSA staff will be responsible for reporting the results of such reviews unless~~  
15 ~~otherwise directed by the Administrator for Policy Development and Program Standards.~~

1 **612:3-5-31. Vocational Rehabilitation and Vocational Rehabilitation for the Blind &**  
2 **Visually Impaired outcome measures [REVOKED]**

3  
4 ~~(a) Assigned Program Standards staff will conduct data analysis and consumer surveys to~~  
5 ~~determine actual service outcomes for the Divisions of Vocational Rehabilitation and~~  
6 ~~Vocational Rehabilitation for the Blind & Visually Impaired. Such information will be~~  
7 ~~gathered from a statistically significant random sample of consumer cases. Staff will report~~  
8 ~~their findings on a regular basis to be specified by affected administrators.~~  
9

10 ~~(b) Outcome measures will be used to determine the overall effectiveness of the Divisions~~  
11 ~~of Vocational Rehabilitation and Vocational Rehabilitation for the Blind & Visually Impaired~~  
12 ~~in carrying out their mission. Results will therefore be reported on a program level, and not~~  
13 ~~on an individual caseload level.~~  
14

15 ~~(c) Assigned Program Standards staff will assist RSA staff in conducting reviews of agency~~  
16 ~~programs and community based rehabilitation programs funded under the Rehabilitation~~  
17 ~~Act. RSA staff will be responsible for reporting the results of such reviews unless otherwise~~  
18 ~~directed by the Administrator of Policy Development and Program Standards.~~

**PART 7. CASE REVIEW****612:3-5-35. Case Review [NEW]**

(a) **Purpose.** The purpose of the Case Review Section is to conduct evaluations on programmatic case documentation to ensure compliance with federal regulation and to enhance agency effectiveness.

(b) **Case Review Responsibilities.** Case Review staff are charged with the following responsibilities:

(1) Conducting reviews on a random sample of closed cases to determine if case documentation indicates consumers are being served according to standards established by the Rehabilitation Act and agency policy. Staff will use the instrument currently approved by the Director or designee and will report their findings to appropriate staff on a regular schedule.

(2) Upon request and as other duties allow, conducting reviews of active cases or other specialized reviews and will report their findings to appropriate staff within agreed-upon deadlines.

(3) Participating in compliance reviews conducted by RSA as assigned. RSA staff will be responsible for reporting the results of such reviews unless otherwise directed by the Administrator for Process Improvement.

(4) Acting as subject matter experts in the area of case review, compliance and best practices, including providing training as requested.

(c) **Confidentiality.** All activities of the Case Review Section will be conducted in a manner to ensure the confidentiality of clients and staff.

1 **612:10-1-2. Definitions [AMENDED]**

2  
3 The following words and terms, when used in this Chapter, shall have the following  
4 meaning, unless the context clearly indicates otherwise:

5  
6 "**Act**" means the Rehabilitation Act [29 USC 701 et seq.].

7  
8 "**ADL**" Activities of Daily Living often refer to the routine activities carried out for  
9 personal hygiene and health (including bathing, dressing, feeding) and for operation of a  
10 household.

11  
12 "**Applicant**" means an individual who has completed and signed an agency application  
13 form or has otherwise requested vocational rehabilitation services; who has provided  
14 information necessary to initiate an assessment to determine eligibility and priority for  
15 services; and who is available to complete the assessment process.

16  
17 "**Assistive technology**" means technology designed to be utilized in an assistive  
18 technology device or service.

19  
20 "**Assistive technology device**" means any item, piece of equipment, or product  
21 system, whether acquired commercially, modified, or customized, that is used to increase,  
22 maintain, or improve functional capabilities of individuals with disabilities.

23  
24 "**Assistive technology service**" means any service that directly assists an individual  
25 with a disability in the selection, acquisition, or use of an assistive technology device.

26  
27 "**Authorized Representative**" means a client's or applicant's parent, guardian,  
28 advocate (i.e. Client Assistance Program) or other person designated by the client or  
29 applicant as the individual authorized to deal with the Department on behalf of the client or  
30 applicant, consistent with provisions of the Act. Authorized representative does not include  
31 an employee of the Department of Rehabilitation Services, another state agency, or vendor  
32 of the Department unless the person is actually the parent, guardian, or is serving in the  
33 capacity of guardian (for example: court appointed).

34  
35 "**Best correction**" refers to the use of standard eyeglasses or contact lenses and does  
36 not include the use of bioptic telescopic systems or specialized lenses which cannot be  
37 worn by the individual on a sustained basis.

38  
39 "**Blind**" means persons who are blind within the meaning of the State Law relating to  
40 Vocational Rehabilitation. Legal blindness means a visual acuity of 20/200 or less in the  
41 better eye with best correction, or a visual field of 20 degrees or less.

42  
43 "**Client/Consumer**" means an individual found eligible and receiving services under the  
44 Act.

46       **"Clubhouse model"** means a psychosocial and vocational approach to work  
47 adjustment for people with mental illness. The work-ordered day is a core element of the  
48 clubhouse, which focuses on strengths, talents and abilities. Work in the clubhouse helps  
49 members develop appropriate social skills and gain self-worth, purpose, and confidence.  
50 The clubhouse enables members to return to paid work through Transitional Employment,  
51 Supported Employment and independent employment.  
52

53       **"Community rehabilitation program"** (CRP) means a program that directly provides  
54 or facilitates the provision of vocational rehabilitation services to individuals with disabilities,  
55 and provides singly or in combination, services for an individual with a disability to enable  
56 the individual to maximize opportunities for employment, including career advancement.  
57

58       **"Comparable services and benefits"** means services that are provided or paid for in  
59 whole or in part by other Federal, state or local public agencies, health insurance or  
60 employee benefits, and are available to the individual at the time needed to further the  
61 progress of the individual toward achieving his/her identified employment outcome.  
62

63       **"Compensatory training"** means training required before the client can enter a formal  
64 training program or employment, such as pre-vocational or personal adjustment training.  
65

66       **"Competitive employment"** means work in the competitive labor market that is  
67 performed on a full-time or part-time basis in an integrated setting; and for which the  
68 individual is compensated at or above the minimum wage, but not less than the customary  
69 wage and level of benefits paid by the employer for the same or similar work performed by  
70 individuals who do not have disabilities.  
71

72       **"Consumer Independence Support Services" (CISS)** are defined as providing  
73 independent living assessment, intensive counseling, community integration, and housing  
74 modifications to further assist consumers with severe disabilities in achieving  
75 independence.  
76

77       **"Continuity of Services"** means once an individual is selected for services in  
78 accordance with policy, regardless of the priority category from which the individual was  
79 selected, the individual will receive the necessary purchased services, including post-  
80 employment services.  
81

82       **"Counselor"** means the qualified rehabilitation professional, who is an employee of the  
83 designated state unit, and who has primary responsibility for the management of an  
84 individual's rehabilitation services case record, including determination of eligibility, service  
85 planning and management, counseling and guidance, and determination of successful or  
86 unsuccessful rehabilitation. Counselor is equivalent to such terms as VR/VRBVI Specialist  
87 and VR/VRBVI Coordinator.  
88

89       **"Department"** unless otherwise indicated in the text, means the Department of  
90 Rehabilitation Services as constituted in 74 O.S., Section 166.1 et seq.  
91

92 "DRS" means the Department of Rehabilitation Services.

93  
94 "DVR" means the Division of Vocational Rehabilitation.

95  
96 "DVRBVI" means the Division of Vocational Rehabilitation for the Blind & Visually  
97 Impaired.

98  
99 "Eligibility" or "Eligible" means:

100  
101 (A) when used in relation to an individual's qualification for Vocational Rehabilitation  
102 services, a determination that the individual has a physical or mental impairment  
103 which for such individual constitutes or results in a substantial impediment to  
104 employment; can benefit in terms of an employment outcome from rehabilitation  
105 services; and requires vocational rehabilitation services to prepare for, ~~enter, engage~~  
106 ~~in, or retain gainful~~ secure, retain, advance in or regain employment;

107  
108 (B) when used in relation to an individual's qualification for Supported Employment  
109 services, a determination that the individual is eligible for Vocational Rehabilitation  
110 services; is an individual with the most ~~severe~~ significant disabilities (priority group  
111 one); and

112  
113 (i) for whom competitive employment has not traditionally occurred; or

114  
115 (ii) for whom competitive employment has been interrupted or intermittent as a  
116 result of a ~~severe~~ significant disability; and

117  
118 (iii) who, because of the nature and severity of their disability, need intensive  
119 supported employment services, and extended services after the transition from  
120 intensive supported employment services, in order to perform such work;

121  
122 (C) when used in relation to an individual's qualification for Rehabilitation Teaching  
123 services, ~~certification that the~~ a finding that an individual is legally and/or functionally  
124 blind, ~~or~~ has a rapidly progressive eye condition ~~and may have secondary~~  
125 ~~disabilities; or has a visual impairment that with or without secondary disabilities~~  
126 results in functional visual limitations; the individual has identifiable deficiencies in  
127 independent living due to disabilities; and it is expected services will improve the  
128 individual's independence in the home and community;

129  
130 ~~(D) when used in relation to an individual's qualification for Independent Living~~  
131 ~~Rehabilitation services, certification that the individual has a severe physical or~~  
132 ~~mental disability; the disability results in a substantial limitation or inability to function~~  
133 ~~independently in the family or community or to continue in employment; and a~~  
134 ~~reasonable expectation that independent living services will significantly assist the~~  
135 ~~individual improve his/her ability to function independently.~~

136

137       **"Employment and Retention"** (E&R) means short-term job coach support for  
138 individuals with severe disabilities who require assistance preparing for, obtaining, and  
139 maintaining employment.

140  
141       **"Employment outcome"** means, with respect to an eligible individual, entering or  
142 retaining full-time or, if appropriate, part-time competitive employment in the integrated  
143 labor market to the greatest extent practicable; supported employment; or any other type of  
144 employment (including self-employment, telecommuting, or business ownership) that is  
145 consistent with an individual's strengths, resources, priorities, concerns, abilities,  
146 capabilities, interests, and informed choice.

147  
148       **"Extended employment"** means work in a non-integrated or sheltered setting for a  
149 public or private nonprofit agency or organization that provides compensation in  
150 accordance with the Fair Labor Standards Act and any needed support services to an  
151 individual with a disability to enable the individual to continue to train or otherwise prepare  
152 for competitive employment, unless the individual through informed choice chooses to  
153 remain in extended employment.

154  
155       **"Extended period of time"** means when appropriate services are provided in a timely  
156 and orderly manner, completion of the Individualized Plan for Employment (IPE) will be  
157 expected to require a minimum of 6 months.

158  
159       **"Extended services"** means ongoing support services provided to individuals with the  
160 most ~~severe~~ significant disabilities after the time-limited vocational rehabilitation services  
161 have been completed and job stabilization has been achieved. They consist of specific  
162 services, including natural supports, needed to maintain the supported employment  
163 placement. Extended services are paid from funding sources other than DRS and are  
164 specifically identified in the IPE, except that DRS may provide and pay for extended  
165 services for youth with the most significant disabilities for a period not to exceed 4 years.

166  
167       **"Extreme medical risk"** means a risk of substantially increasing functional impairment  
168 or risk of death if medical services are not provided expeditiously.

169  
170       **"Functional capacities"** means a client's assets, strengths, and resources which  
171 maintain or increase the individual's ability to work. Functional capacities include mobility,  
172 communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills.

173  
174       **"Functional limitations"** means physical or mental conditions, emergent from a  
175 disability, which impair, interfere with, or impede one or more of an individual's functional  
176 capacities.

177  
178       **"Higher education"** means universities, colleges, community/junior colleges,  
179 vocational schools, technical institutes, or hospital schools of nursing.

180

181 **"Highly challenged"** describes a client receiving supported employment services who,  
182 due to the nature of the disability, requires a greater level of support from the job coach to  
183 achieve and maintain employment.

184  
185 **"Homemaker"** means a person whose primary work is performance of duties related to  
186 upkeep and maintenance of a home.

187 **"IEP"** means Individualized Education Program as required by the Individuals with  
188 Disabilities Education Act.

189  
190 **"Independent Living (IL) Core services"** is defined as information and referral  
191 services; independent living skills training; peer counseling; and individual and systems  
192 advocacy; and services that facilitate the transition of individuals with significant disabilities  
193 from institutions to community-based residences, assist individuals at risk of entering  
194 institutions to remain living in the community, and assist the transition to postsecondary life  
195 for youth with significant disabilities who were eligible for special education and are no  
196 longer in school .

197  
198 **"Independent Living Services"** as defined in the Rehabilitation Act, 29 USC Section  
199 705 (17) and (18), include IL core services and counseling, housing procurement and  
200 modifications, personal assistance, mobility training, rehabilitation technology, life skills  
201 training, interpreters, readers, transportation, community integration, supported living,  
202 physical rehabilitation, aids and devices, social and recreational opportunities, and other  
203 services that are necessary and not inconsistent with the Act's provisions related to  
204 independent living.

205  
206 **"Individual with a disability"** means an individual having one or more physical or  
207 mental conditions which materially limits, contributes to limiting or, if not corrected, will  
208 probably result in limiting an individual's employment activities or vocational functioning.

209  
210 **"Individual with a severe disability"** means with respect to eligibility for the state's  
211 Optional Program for Hiring Applicants with Disabilities, an individual who has a physical or  
212 mental impairment which seriously limits one or more functional capacities (such as  
213 mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or  
214 work skills) in terms of an employment outcome.

215  
216 **"Individual with significant disability"** means an individual with a significant barrier to  
217 employment, as used in the Rehabilitation Act amendments of 1998, and an individual:

218  
219 (A) who has a physical or mental impairment seriously limiting one or more  
220 functional capacities (such as mobility, communication, self-care, self-direction,  
221 interpersonal skills, work tolerance, or work skills) in terms of an employment  
222 outcome;

223  
224 (B) whose vocational rehabilitation can be expected to require multiple vocational  
225 rehabilitation services over an extended period of time; and  
226

227 (C) who has one or more physical or mental disabilities resulting from amputation,  
228 arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,  
229 deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or  
230 pulmonary dysfunction, mental illness, intellectual disability, multiple sclerosis,  
231 muscular dystrophy, musculoskeletal disorder, neurological disorders (including  
232 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle  
233 cell anemia, specific learning disability, end-stage renal disease or other disability or  
234 combination of disabilities determined on the basis of an assessment for determining  
235 eligibility and vocational rehabilitation needs to cause comparable substantial  
236 functional limitation.

237  
238 **"Individual with the most significant disability"** means an individual with the most  
239 significant barrier to employment as used in the Rehabilitation Act amendments of 1998,  
240 and an individual with physical or mental disabilities:

241  
242 (A) who has a severe physical or mental disability that seriously limits three or more  
243 major life activities in terms of an employment outcome;

244  
245 (B) whose vocational rehabilitation can be expected to require multiple vocational  
246 rehabilitation services over an extended period of time; and

247  
248 (C) who has one or more physical or mental disabilities resulting from amputation,  
249 arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,  
250 deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or  
251 pulmonary dysfunction, mental illness, intellectual disability, multiple sclerosis,  
252 muscular dystrophy, musculoskeletal disorder, neurological disorders (including  
253 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle  
254 cell anemia, specific learning disability, end-stage renal disease or other disability or  
255 combination of disabilities determined on the basis of an assessment for determining  
256 eligibility and vocational rehabilitation needs to cause comparable substantial  
257 functional limitation.

258  
259 **"Integrated setting"** means:

260  
261 (A) With respect to the provision of services, a setting typically found in the  
262 community in which applicants or eligible individuals interact with non-disabled  
263 individuals other than non-disabled individuals who are providing services to those  
264 applicants or eligible individuals.

265  
266 (B) With respect to an employment outcome, means a setting typically found in the  
267 community in which applicants or eligible individuals interact with non-disabled  
268 individuals, other than non-disabled individuals who are providing services to those  
269 applicants or eligible individuals, to the same extent that non-disabled individuals in  
270 comparable positions interact with other persons.

271

272        **"Intercurrent (acute) conditions"** means an illness or injury occurring during the  
273 actual course of an individual's rehabilitation which, if not cared for, will complicate or delay  
274 achievement of the client's employment outcome as identified in the client's IPE.

275  
276        **"IPE"** means the Individualized Plan for Employment.

277  
278        **"Job Club"** is a structured learning experience for a client to build skills in self-  
279 assessment, resume development, job search and research strategies, and interview  
280 techniques to assist the person to enter a career of their choice.

281  
282        **"Job Coach/Employment Training Specialist"** means a qualified individual providing  
283 support services to eligible individuals in supported employment and employment and  
284 retention programs. Services directly support the eligible individual's work activity including  
285 marketing and job development, applied behavioral analysis, job and work site assessment,  
286 training and worker assessment, job matching procedures, and teaching job skills.

287  
288        **"Long-term treatment"** means medical or psychological treatment that is expected to  
289 last more than three months.

290  
291        **"Maintenance"** is a service provided to assist with the out-of-ordinary or extra  
292 expenses to the individual resulting from and needed to support the individual's  
293 participation in diagnostic, evaluative, or other substantial services in the IPE. Activities of  
294 Daily Living (ADL) expenses are not eligible for maintenance payments.

295  
296        **"Milestones"** means a payment system that reimburses a vendor based on incentives  
297 and outcomes. The vendor is paid when the client completes pre-defined checkpoints on  
298 the way to a desired employment goal.

299  
300        **"Multiple services"** means the counseling and guidance provided as a routine part of  
301 case management plus two or more VR services. Comparable benefits and/or services can  
302 count toward meeting the definition of multiple services. Services routinely provided as a  
303 package do not count as multiple services for the purpose of determining the presence of a  
304 significant disability, even if two or more services are included in the package.

305  
306        **"Natural supports"** means any assistance, relationships or interactions that allow a  
307 person to maintain employment in ways that correspond to the typical work routines and  
308 social interactions of other employees. Natural supports may be developed through  
309 relationships with people or put into place by the adaptation of the work environment itself,  
310 depending on the support needs of the person and the environment.

311  
312        **"Occupational license"** means any license, permit, or other written authority required  
313 by a state, city or other governmental unit to be obtained in order to enter an occupation.

314  
315        **"Ongoing support services"** means services specified in the IPE according to  
316 individual need, which support and maintain an individual with the most severe disabilities  
317 in supported employment. Sponsored ongoing support services are provided from the time

318 of placement until the individual is stabilized on the job. Ongoing support services are  
319 provided by one or more extended services providers, or by natural supports, following  
320 transition throughout the individual's term of employment. In transitional employment, the  
321 provision of ongoing support services must include continuing sequential job placements  
322 until job permanency is achieved.

323  
324 **"Other Qualified Rehabilitation Personnel"** means qualified rehabilitation personnel  
325 who, in addition to rehabilitation counselors, are necessary to facilitate the accomplishment  
326 of the employment outcomes and objectives of an individual (Section 100(a)(3)(E) of the  
327 Act.) Other qualified rehabilitation personnel include, but are not limited to, rehabilitation  
328 teachers of the blind who are certified at the national level as Certified Vision Rehabilitation  
329 Therapists (CVRT) or who are CRC-eligible (Section 101(a)(7)(B) of the Act). The agency  
330 has determined that nationally certified rehabilitation teachers of the blind are necessary for  
331 the provision of vocational rehabilitation services and accomplishment of employment  
332 outcomes in Homemaker cases and that in their role as Other Qualified Rehabilitation  
333 Personnel; nationally certified rehabilitation teachers are approved to manage Homemaker  
334 cases through closure.

335  
336 **"Package of services"** means several services which are usually provided together for  
337 the same purpose. The services in a package are usually, but not always, from the same  
338 category of services (see definition of multiple services, this section). Examples include,  
339 but are not limited to: surgery, anesthesia, and hospitalization; or personal computer,  
340 software, and peripheral equipment.

341  
342 **"Personal assistance services"** means a range of services provided by one or more  
343 persons designed to assist an individual with a disability to perform daily living activities on  
344 or off the job that the individual would typically perform without assistance if the individual  
345 did not have a disability.

346  
347 **"Physical and mental restoration services"** means services which are necessary to  
348 correct or substantially modify a physical or mental condition which is stable or slowly  
349 progressive, within a reasonable period of time.

350  
351 **"Physical or mental disability"** means a physical or mental condition which, if not  
352 corrected, materially limits, contributes to limiting or will result in limiting an individual's  
353 activities or functioning.

354  
355 **"Rehabilitation Act"** means the Rehabilitation Act [29 USC 701 et seq.].

356  
357 **"Related factors"** means those factors which are not directly attributable to the  
358 impediment to employment, but which have impact on the potential for successful  
359 rehabilitation. They frequently become evident only from an assessment of the person's  
360 social, vocational, educational, and environmental circumstances.

361

362        "**Section 504 Plan**" is a plan designed as a protection for students with disabilities who  
363 may not be considered eligible for special education under IDEA in compliance with Section  
364 504 of the Rehabilitation Act of 1973 as amended.

365  
366        "**Small business enterprises**" means a small business operated by blind or other  
367 individuals with severe disabilities under the management and supervision of the state  
368 DRS. Such businesses include only those selling, manufacturing, processing, servicing,  
369 agricultural, and other activities which are suitable and practical for the effective utilization  
370 of the skills and aptitudes of individuals who are blind or individuals who have severe  
371 disabilities. Small business enterprise provides substantial gainful employment or self-  
372 employment commensurate with the time devoted by the operators to the business, the  
373 cost of establishing the business and other factors of an economic nature.

374  
375        "**Stabilization**" means the period of time when job coach support is reduced to the  
376 long-term maintenance level while the individual retains employment, and personal  
377 satisfaction with the job, as well as employer satisfaction with the person's job  
378 performance. Stabilization must include appropriate individualized supports, including a  
379 minimum of two employee contacts and one employer contact per month.

380  
381        "**Substantial impediment to employment**" means that a physical or mental disability  
382 (in the light of related medical, psychological, vocational, educational, cultural, social or  
383 environmental factors) that impedes an individual's occupational performance, by  
384 preventing his/her obtaining, retaining, or preparing for a gainful occupation consistent with  
385 his/her capacities and abilities.

386  
387        "**Supported employment**" (SE) means competitive work in integrated work settings, or  
388 employment in integrated work settings in which individuals are working toward competitive  
389 work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities,  
390 interests, and informed choice of the individuals, for individuals with the most ~~severe~~  
391 significant disabilities who meet the eligibility criteria for supported employment. This term  
392 includes transitional employment for persons who are individuals with the most ~~severe~~  
393 significant disabilities due to mental illness (see the definition for "transitional  
394 employment").

395  
396        "**Transitional employment**" (TE) means, when referring to the Supported Employment  
397 Program, a series of temporary job placements in competitive work in integrated settings  
398 with ongoing support services for individuals with the most ~~severe~~ significant disabilities  
399 due to mental illness.

400  
401        "**Transportation**" is a service provided to assist with the costs of travel, including  
402 instruction in the use of public transportation vehicles and systems, which result from and  
403 are needed to support the individual's participation in diagnostic, evaluative, or other  
404 substantial and necessary VR services.

405  
406        "**Unpaid family worker**" means a person who works without pay on a family farm or in  
407 a family business, operated by a family member who is related by blood or marriage.

408

409       **"VR"** means the Division of Vocational Rehabilitation, or the more general term  
410 vocational rehabilitation services, depending upon the context.

411

412       **"VRBVI"** means the Division of Vocational Rehabilitation for the Blind & Visually  
413 Impaired, depending upon the context.

1 **612:10-7-1. Overview of Vocational Rehabilitation and Vocational Rehabilitation**  
2 **for the Blind & Visually Impaired [AMENDED]**  
3

4 (a) Vocational rehabilitation services are provided by the Division of Vocational  
5 Rehabilitation and the Division of Vocational Rehabilitation for the Blind & Visually  
6 Impaired to help eligible individuals achieve employment outcomes that are consistent  
7 with the unique strengths, resources, priorities, concerns, abilities, capabilities,  
8 interests, and informed choice of each eligible individual. To the maximum extent  
9 appropriate, VR services are meant to result in competitive employment in an integrated  
10 setting. Vocational rehabilitation services include services for individuals and services to  
11 groups of individuals.

12  
13 (b) Vocational rehabilitation services for an individual are prescribed in an  
14 Individualized Plan for Employment (IPE) that is based on an assessment of the  
15 individual's rehabilitation needs, guidance provided by a qualified vocational  
16 rehabilitation professional and the individual's informed choice with regard to  
17 employment goal, services and service providers. Services may include but are not  
18 limited to:

19  
20 (1) an assessment for determining eligibility and vocational rehabilitation needs by  
21 qualified personnel, including, if appropriate, an assessment by personnel skilled in  
22 rehabilitation technology;

23  
24 (2) counseling and guidance, including information and support services to assist an  
25 individual in exercising informed choice;

26  
27 (3) referral and other services to secure needed services from other agencies  
28 through cooperative agreements if such services are not available from DVR or  
29 DVRBVI;

30  
31 (4) job-related services, including job search and placement assistance, job  
32 retention services, ongoing services, and extended services;

33  
34 (5) vocational and other training services, including the provision of personal and  
35 vocational adjustment services, books, tools, and other training materials;

36  
37 (6) to the extent that financial support is not readily available from a source (such as  
38 health insurance or comparable services and benefits) other than DVR or DVRBVI,  
39 diagnosis and treatment of physical and mental impairments;

40  
41 (7) maintenance for additional costs incurred while participating in an assessment  
42 for determining eligibility and vocational rehabilitation needs or while receiving  
43 services under an Individualized Plan for Employment;

44  
45 (8) transportation, including training in the use of public transportation vehicles and  
46 systems, that is provided in connection with the provision of any other service

- 47 described in this section and needed by the individual to participate in rehabilitation  
48 services or to achieve an employment outcome;
- 49
- 50 (9) on-the-job or other related personal assistance services provided while an  
51 individual is receiving other services described in this section;
- 52
- 53 (10) interpreter services provided by qualified personnel for individuals who are deaf  
54 or hard of hearing, and reader services for individuals who are determined to be  
55 blind;
- 56
- 57 (11) rehabilitation teaching services, and orientation and mobility services, for  
58 individuals who are blind;
- 59
- 60 (12) occupational licenses, tools, equipment, and initial stocks and supplies;
- 61
- 62 (13) technical assistance and other consultation services to conduct market  
63 analyses, develop business plans, and otherwise provide resources, to the extent  
64 such resources are authorized to be provided through the statewide workforce  
65 investment system, to eligible individuals who are pursuing self-employment or  
66 telecommuting or establishing a small business operation as an employment  
67 outcome;
- 68
- 69 (14) rehabilitation technology, including rehabilitation engineering, assistive  
70 technology devices and assistive technology services;
- 71
- 72 (15) transition services for students with disabilities, that facilitate the achievement  
73 of the employment outcome identified in the Individualized Plan for Employment, and  
74 pre-employment transition services as described in 34 CFR 361.48(a) and 29 USC  
75 733;
- 76
- 77 (16) supported employment services for individuals with the most significant  
78 disabilities that need ongoing support services from a job coach to obtain and  
79 maintain employment;
- 80
- 81 (17) employment and retention services for individuals with significant disabilities  
82 who require short term job coach support to obtain and maintain a successful  
83 employment outcome;
- 84
- 85 (18) transitional employment services for individuals with the most significant  
86 disabilities due to mental illness who have little or no successful work history and  
87 need work adjustment/trial work experience;
- 88
- 89 (19) job placement services for individuals with disabilities who are job ready,  
90 including customized employment services;
- 91

92 (20) services to the family of an individual with a disability necessary to assist the  
93 individual to achieve an employment outcome; and  
94

95 (21) specific post-employment services necessary to assist an individual with a  
96 disability to, retain, regain, or advance in employment.  
97

98 (c) Vocational rehabilitation services for groups of individuals with disabilities are  
99 described in 34 CFR 361.49 and include:

100  
101 (1) ~~in~~ In the case of any type of small business operated by individuals with  
102 significant disabilities the operation of which can be improved by management  
103 services and supervision provided by DVR or DVRBVI, the provision of such  
104 services and supervision, along or together with the acquisition by DVR or DVRBVI  
105 of vending facilities or other equipment and initial stocks and supplies;  
106

107 ~~(2) services that contribute to the rehabilitation of a group of individuals but are not~~  
108 ~~related directly to an individualized plan for employment of any one individual with a~~  
109 ~~disability;~~ Transition services to youth and students with disabilities who may not  
110 have applied or been determined eligible for vocational rehabilitation services, that  
111 involve collaboration of a vocational rehabilitation counselor with education  
112 agencies, programs serving individuals with developmental disabilities, businesses,  
113 workforce programs, independent living centers, housing and transportation  
114 authorities and related entities. Such services are to benefit a group of youth or  
115 students with disabilities and may not be individualized services related to an  
116 individual plan for employment. Services may include group tours of training  
117 programs and businesses, career fairs, interview practice, resume writing, and other  
118 group activities that support future employability.  
119

120 (3) ~~the~~ The use of telecommunications systems (including telephone, television,  
121 video description services, tactile-vibratory devices, satellite, radio, and other similar  
122 systems) that have the potential for substantially improving delivery methods of  
123 activities described in this section and developing appropriate programming to meet  
124 the particular needs of individuals with disabilities;  
125

126 (4) ~~special~~ Special services to provide access to information for individuals who are  
127 blind, visually impaired, deaf, hard of hearing or deaf-blind including:

128  
129 (A) the use of telecommunications, Braille, sound recordings, or other  
130 appropriate media;

131  
132 (B) captioned television, films, or video cassettes for individuals who are deaf or  
133 hard of hearing;

134  
135 (C) tactile materials for individuals who are deaf-blind; and  
136

- 137 (D) other special services that provide information through tactile, vibratory,  
138 auditory, and visual media.  
139
- 140 (5) ~~technical~~Technical assistance and support services to businesses that are not  
141 subject to Title I of the Americans with Disabilities Act of 1990 [42 USC 12111 et  
142 seq.] and that are seeking to employ individuals with disabilities; and  
143
- 144 (6) ~~consultative~~Consultative and technical assistance services to assist educational  
145 agencies in planning for the transition of students with disabilities from school to  
146 post-school activities, including employment.  
147
- 148 (7) The establishment, development or improvement of assistive technology  
149 demonstration, loan, reutilization or financing programs in coordination with activities  
150 authorized under the Assistive Technology Act of 1998.  
151
- 152 (8) The establishment, development or improvement of a community rehabilitation  
153 program that is used to provide vocational rehabilitation services that promote  
154 integration into the community and prepare individuals with disabilities for  
155 competitive integrated employment.

1 **612:10-7-21.1 Processing incoming referrals [AMENDED]**  
2

3 (a) **Processing incoming referrals.** All referrals to DVR and DVRBVI will be contacted by  
4 the VR counselor and appropriate action taken within 30 days, after receipt of the referral  
5 information. The counselor is responsible for completing a contact by telephone or in  
6 person. The counselor is responsible for providing interpreter services to referrals who are  
7 deaf or non-English speaking. In situations where the individual cannot be personally  
8 contacted, correspondence will be mailed to the individual for informational purposes.  
9

10 (b) **Referrals to rehabilitation teachers.** All individuals who are legally blind, whether  
11 being served by a DVR counselor or a DVRBVI counselor, will be referred to a  
12 rehabilitation teacher. Rehabilitation teachers may also receive counselor referrals and  
13 provide services for individuals who are not legally blind but have functional limitations due  
14 to vision loss and have potential to benefit from rehabilitation teaching services.

1 **612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services**  
2 **[AMENDED]**  
3

4 (a) An individual is eligible for vocational rehabilitation services under the Rehabilitation  
5 Act through the State Department of Rehabilitation Services if the individual:

6  
7 (1) has a physical or mental impairment which for such individual constitutes or results  
8 in a substantial impediment to employment;

9  
10 (2) is determined by a qualified vocational rehabilitation counselor to require vocational  
11 rehabilitation services to prepare for, ~~enter, engage in, or retain gainful~~secure, retain,  
12 advance in, or regain employment; and

13  
14 (3) can benefit in terms of an employment outcome from vocational rehabilitation  
15 services.

16  
17 (b) The agency presumes that an applicant with a physical or mental impairment that  
18 constitutes or results in a substantial impediment to employment can benefit from  
19 vocational rehabilitation services in terms of an employment outcome, unless the agency  
20 demonstrates, based on clear and convincing evidence, that the individual is incapable of  
21 benefiting from rehabilitation services due to the severity of the individual's disability.  
22

23 (c) An individual who has a disability or is blind as determined pursuant to Titles II (federal  
24 old age, survivors, and disability insurance benefits) or XVI (SSI) shall be:

25  
26 (1) considered to have a significant disability under the order of selection; and

27  
28 (2) presumed to be eligible for vocational rehabilitation services, (provided that the  
29 individual intends to achieve an employment outcome consistent with the unique  
30 strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed  
31 choice of the individual) unless clear and convincing evidence demonstrates that the  
32 individual is incapable of benefiting in terms of an employment outcome from  
33 vocational rehabilitation services due to the severity of the individual's disability.  
34

35 (d) Eligibility requirements shall be applied without regard to:

36  
37 (1) duration of residence in the state,

38  
39 (2) type of disability,

40  
41 (3) age, except that in serving eligible individuals below working age, the client must  
42 be expected to reach working age by the time the IPE is completed, and DRS will not  
43 provide services that are the responsibility of the public school system.

44  
45 (4) gender, race, color or national origin,  
46

- 47 (5) type of expected employment outcome,  
48  
49 (6) source of referral, or  
50  
51 (7) the particular service needs or anticipated cost of services required by an applicant  
52 or applicant's family.  
53

54 (e) **Disabled veterans.** Disabled veterans are eligible for vocational rehabilitation  
55 services on the same basis as other individuals with disabilities subject to the following  
56 restrictions:

57  
58 (1) Disabled veterans are not provided services which can be secured from the  
59 Veterans Administration (VA), unless use of VA services will cause a substantial delay  
60 of services.  
61

62 (2) Veterans receiving additional benefits under the G. I. Bill or the War Orphan Act  
63 may be provided services if such services do not duplicate those being received from  
64 the VA.  
65

66 (f) **Applicants who are employed.** Employed persons who meet basic eligibility  
67 requirements may be provided vocational rehabilitation services to advance in or retain  
68 employment, or when the employment is not consistent with the individual's strengths,  
69 resources, priorities, concerns, abilities, interests and capabilities.  
70

71 (g) **Citizenship.** Participation in the VR program is available to citizens and nationals of  
72 the United States, lawfully admitted permanent resident aliens, refugees, asylees and  
73 parolees, and other immigrants authorized to work in the United States.  
74

75 (h) **Criteria.** Some conditions have unique criteria that must be considered when  
76 determining eligibility.  
77

78 (1) **Alcoholism/Drugs.** Individuals may be eligible for vocational rehabilitation  
79 services based on a substance abuse diagnosis that may be made by a ~~psychiatrist,~~  
80 ~~psychologist, medical doctor or certified substance abuse counselor~~ qualified  
81 professional. Clients must be willing to undergo random alcohol/drug screening. DRS  
82 does not pay for detoxification or replacement drug treatment. Documentation from  
83 qualified Drug and Alcohol treatment professionals indicating that the client is presently  
84 substance-free, maintaining sobriety, and actively participating in a treatment or  
85 maintenance program if recommended by the treating professional must be filed in the  
86 case record upon IPE development.  
87

88 (2) **Allergies/Asthma.** Allergies/asthmatic conditions that require continuous or  
89 intermittent medical intervention and result in a substantial impediment to employment  
90 will be considered eligible for services.  
91

92 (3) **Deafness and Hearing Loss.** The rehabilitation professional will base eligibility  
93 determination upon one of the measurement methods listed below, as performed by a  
94 qualified audiologist or other qualified professional as determined by the Department.  
95 The case record must document the method chosen provides the most accurate  
96 evaluation of functional hearing level for the individual.  
97

98 (A) **Eligibility criteria.** Eligibility criteria for each method of measurement are  
99 listed in (i) through (iv) of this Subsection. An individual will also be considered to  
100 have a qualifying disability when documentation indicates the hearing loss is  
101 progressive and the progression is substantial enough to result in an impediment to  
102 employment.  
103

104 (i) **Average hearing loss.** Average hearing loss, which is determined by  
105 computing average of the pure tone thresholds for each ear at 1000Hz, 2000Hz,  
106 3000Hz and 4000Hz. An individual is considered to have a qualifying disability  
107 based upon average hearing loss when:  
108

109 (I) The hearing loss in one ear is profound (91 dB or greater) and the  
110 hearing loss in the better ear is at least 15 dB; or  
111

112 (II) The hearing loss in the better ear is 30 dB or greater.  
113

114 (ii) **Speech recognition threshold (SRT).** An individual is considered to have  
115 a qualifying disability when:  
116

117 (I) the speech reception threshold in one ear is 91 dB or greater and is at  
118 least 15 dB in the better ear; or  
119

120 (II) the speech reception threshold in the better ear is 30 dB or greater.  
121

122 (iii) **Speech discrimination or word recognition score.** An individual is  
123 considered to have a qualifying disability when the speech discrimination or  
124 word recognition score is 70% or less.  
125

126 (iv) **Articulation index.** An individual is considered to have a qualifying  
127 disability when the articulation index is 70% or less.  
128

129 (B) **Severity of Hearing Loss.** All individuals who qualify as having a severe  
130 hearing loss will be referred to a Rehabilitation Counselor for the Deaf and Hard of  
131 Hearing (RCD). Relevant information provided will include copies of the initial  
132 interview narrative recording, medical information, eligibility data entry form,  
133 Individualized Plan for Employment, pertinent copies of case narratives and DRS  
134 application form. On receipt of a referral, the RCD will contact the client and make  
135 a determination of potential for Deaf and Hard of Hearing services. The referring  
136 counselor will be informed in writing of the RCD's findings.  
137

138 (i) **Severe Hearing Loss.** Average hearing loss, as calculated above, is  
139 considered severe when:

140  
141 (I) The hearing loss in one ear is profound (91 dB or greater) and the  
142 hearing loss in the better ear is at least 31 dB; or

143  
144 (II) The hearing loss in each ear is 55 dB or greater.

145  
146 (ii) **Severe Speech Recognition Threshold (SRT).** An individual is considered  
147 to have severe disability when;

148  
149 (I) The SRT in one ear is 91 dB or greater and the SRT in the better ear is at  
150 least 31 dB; or

151  
152 (II) The SRT in each ear is 55 dB or greater.

153  
154 (iii) **Severe Speech Discrimination or word recognition score.** An individual  
155 is considered to have a severe disability when the speech discrimination or word  
156 recognition score is 59% or less.

157  
158 (4) **Diabetes:** The individual must require prescribed medication to control the  
159 condition. Those persons whose diabetes is controlled by diet and exercise alone or  
160 whose condition does not result in a substantial impediment to employment will not be  
161 considered eligible. Eligible clients will be required to undergo a visual exam by a  
162 licensed ophthalmologist at least once a year. ~~All diabetes will need to complete a~~  
163 ~~knowledge survey regarding current best practices for the management of diabetes.~~  
164 ~~Should the knowledge survey identify significant need for diabetes training, the training~~  
165 ~~will be incorporated into the IPE.~~ Diabetes management training will be incorporated  
166 into the IPE unless the client shows that he/she has previously completed diabetes  
167 management training. When recommended by a physician, diabetes management  
168 training will be incorporated into the IPE regardless of past diabetes education received  
169 by the individual.

170  
171 (5) **Facial and Disfigurement Conditions.** When these conditions result in an  
172 impediment to employment an individual may be eligible for VR services.

173  
174 (6) **Learning Disabilities.** An individual may be identified as learning disabled:

175  
176 (A) When there is a marked discrepancy between verbal and performance  
177 intellectual level or

178  
179 (B) When the individual's achievement on individually administered, standardized  
180 tests in reading, mathematics or written expression is substantially below that  
181 expected for age, schooling and level of intelligence (DSM, ~~IV~~ current edition).

182

183 (7) **Mental Disorders.** Treatment must be incorporated as a service in the IPE for  
184 individuals with a mental disorder.

185  
186 (8) ~~Inteccccetual~~**Intellectual Disability.** To be eligible, individuals having an I.Q. of 69  
187 or below and substantially limited adaptive functioning, as measured by an individual  
188 intelligence test, will be considered to have a substantial disability. Individuals eligible  
189 under IDEA with an I.Q. level higher than 69 may be considered to have a substantial  
190 impairment provided the documentation used by the school in determining eligibility  
191 under IDEA, in the counselor's judgment, confirms the individual is functioning in the  
192 intellectual disability range of ability. Individuals not enrolled in public school special  
193 education classes with an I.Q. higher than 69 may be considered to have a substantial  
194 impairment provided appropriate documentation confirms the individual is functioning in  
195 the intellectual disability range of ability.

196  
197 (9) **Height.** To be eligible, a person's stature must constitute or result in a substantial  
198 impediment to employment.

199  
200 (10) **Obesity.** To be eligible, a person must be considered obese according to a  
201 recognized medical classification protocol and the impairment must constitute or result  
202 in a substantial impediment to employment. Some type of weight loss plan or  
203 treatment for obesity must be included as a service in the IPE.

204  
205 (11) **Visual.** ~~The individual must be found to have at least a 25% loss of total visual~~  
206 ~~efficiency with best correction, or there must be evidence the condition is progressive~~  
207 ~~and will soon reach the visual loss described above. "Best correction" refers to the~~  
208 ~~use of standard eyeglasses or contact lenses, and does not include use of bioptic~~  
209 ~~telescopic systems or any specialized lenses which cannot be worn by the individual~~  
210 ~~on a sustained basis. Any one or all of the following factors~~conditions ~~may be used to~~  
211 ~~determine whether a 25% loss of total efficiency exists~~provide a basis for eligibility due  
212 to visual disability:-

213  
214 (A) ~~Central visual acuity (Snellen method or equivalent)~~**Blindness.** Acuity of  
215 ~~20/60 or less in the better eye after best correction (in the case of difference of~~  
216 ~~acuity between reading and distance use the greater loss).~~A central visual acuity of  
217 20/200 or less in the better eye with best correction, or a limitation in the field of  
218 vision in the better eye so that the widest diameter of the visual field subtends an  
219 angle of 20 degrees or less. "Best correction" refers to the use of standard  
220 eyeglasses or contact lenses, and does not include use of bioptic telescopic  
221 systems or any specialized lenses which cannot be worn by the individual on a  
222 sustained basis.

223  
224 (B) **Visual impairment.** A central visual acuity of 20/60 or less in the better eye  
225 with best correction, or other visual condition which, for the individual, results in  
226 functional limitations and constitutes a barrier to employment. Other visual  
227 conditions which may result in functional limitations include, but are not limited to,  
228 limited peripheral vision, extreme light sensitivity, loss of depth perception, loss of

229 stereopsis, diplopia (double vision), aphakia, total absence of color discrimination or  
230 red-green deficiency, blurred vision, eye muscle and movement conditions, and  
231 cortical visual impairment.

232  
233 (C) **Progressive eye disease.** Diagnosis of a progressive sight threatening  
234 disease or condition that has resulted in functional limitations for the individual or is  
235 expected to progress rapidly. Progressive eye diseases which may result in  
236 significant vision loss include, but are not limited to, retinitis pigmentosa, diabetic  
237 retinopathy, glaucoma and macular degeneration.

238  
239  
240 **(B) Loss of depth perception or stereopsis.**

241  
242 ~~(i) **Eligibility on the basis of depth perception loss.** When defining eligibility~~  
243 ~~based on depth perception alone, it is generally accepted a total loss of depth~~  
244 ~~perception would not constitute a 25% loss of visual efficiency. Other factors to~~  
245 ~~consider include: Is the client's loss of depth perception acute? Did the client~~  
246 ~~recently lose his or her depth perception? Did the client's past vocational~~  
247 ~~experience require good depth perception? If the client is currently working,~~  
248 ~~does his/her present vocation require good depth perception? After considering~~  
249 ~~these factors the counselor will determine if there are functional limitations to the~~  
250 ~~extent the individual would be prevented from obtaining, retaining or preparing~~  
251 ~~for employment.~~

252  
253 ~~(ii) **Eligibility based on loss of stereopsis.** Stereopsis is defined as the~~  
254 ~~blending into one picture two images of an object seen from slightly different~~  
255 ~~points of view so as to produce the impression of relief and solidity. This type of~~  
256 ~~loss usually results from suppression of vision in one eye due to alternating~~  
257 ~~exotropia, esotropia, hypertropia or a difference in the refractive power of the~~  
258 ~~two eyes so great that separate images cannot be fused. When determining~~  
259 ~~eligibility based on lack of stereopsis the counselor will take into account most of~~  
260 ~~the factors used in determining eligibility based on loss of depth perception.~~  
261 ~~One major difference is stereopsis cannot be learned. In other words, if an~~  
262 ~~individual does not have binocular vision, it is impossible for the individual to~~  
263 ~~have stereopsis. From a functional standpoint, stereopsis is considerably~~  
264 ~~different from depth perception. The individual can still do many jobs with~~  
265 ~~various degrees of depth perception yet these same jobs may have certain~~  
266 ~~steps that require acute stereopsis. Thus an employee losing the stereopsis~~  
267 ~~part of his visual function would be at risk for injuring himself or other workers or~~  
268 ~~might be considered as a target for termination.~~

269  
270 ~~(iii) **Limited peripheral vision.** This is restriction of visual fields by 25% or~~  
271 ~~more as documented by a formal visual field examination. The examination~~  
272 ~~should report the qualitative percentage of visual field loss and/or remaining~~  
273 ~~percentage of visual efficiency.~~

274

275 ~~(iv) **Diplopia (Double Vision).** There are different degrees of double vision.~~  
276 ~~The type of double vision most disabling is the type that manifests itself in the~~  
277 ~~primary direction of gaze.~~

278  
279 ~~(v) **Aphakia.** In cases of binocular Aphakia the central visual efficiency of the~~  
280 ~~better eye will be accepted at 75% of its value (25% loss of visual efficiency)~~  
281 ~~and in monocular Aphakia the central visual efficiency will be accepted at 50%~~  
282 ~~of its value (50% loss of visual efficiency). Individuals with intraocular lens~~  
283 ~~implants are not considered to have a visual disability as a result of an aphakic~~  
284 ~~condition.~~

285  
286 ~~(vi) **Color deficiency.** When total absence of color discrimination or red-green~~  
287 ~~deficiency exists it will be considered a disability.~~

288  
289 (12) **Re-evaluation.** Individuals with chronic disabilities that can be removed with little  
290 or no residual limitations will not be eligible for purchase of services other than those  
291 related to the required treatment.

## PART 5. SERVICES

612:10-9-32. ~~Diagnosis and evaluation for homemaker cases~~ **[AMENDED]**

Through diagnosis and evaluation the rehabilitation teacher gathers information to aid in determining eligibility as well as goals and strategies that may be included in the IPE.

(1) **Diagnosis.** The teacher must determine the medical causes of impairments to recognize the problems of each consumer and how they affect the ability to function. Individual differences and capabilities will be considered. The teacher will secure medical and/or psychological information when possible. If the teacher's evaluation indicates a need for medical or psychological treatment the specialist will refer the consumer to outside resources for help if it is not within the scope of rehabilitation teaching.

(2) **Vocational evaluation.** The rehabilitation teacher plays an important role in the evaluation of a consumer's ability to benefit from rehabilitation services in terms of the employment outcome ~~of homemaker~~.

(A) The rehabilitation teacher evaluates the consumer's characteristics and skills based on observation and assessment.

(B) An important service provided by the teacher is the initial evaluation of the consumer's adjustment to vision loss and ability to function independently. Areas to be evaluated include, but are not limited to, consumer and family attitudes toward blindness, degree of competence in communication, personal management, home management, and basic orientation to immediate surroundings.

(3) **Family evaluation.** The teacher must be aware of the family influence on the rehabilitation outcome that can be expected for an individual.

(4) **Community evaluation.** Visual impairment may restrict consumer's use of and access to community resources. Location, cost, eligibility, visual prerequisites, attitudinal barriers, and the level of consumer's skills are to be considered when evaluating community resources.

(5) **Evaluation of personal adjustment skills.** Prior to the development and implementation of the IPE, the rehabilitation teacher will thoroughly evaluate the consumer's ~~functioning as a homemaker~~ functional limitations and skills, to include basic skills such as home management, communication, personal management, health management, and adjustment to disabilities.

1 **612:10-11-2. Basic eligibility requirements [AMENDED]**

2  
3 (a) The basic criteria for eligibility for OB services are:

4  
5 (1) the consumer's primary disability is defined as legal blindness;

6  
7 (A) Legal blindness is defined as a Visual Acuity of 20/200 or less in the better eye  
8 with best correction, or a visual field of 20 degrees or less. Best correction means  
9 the best visual acuity that can be obtained with normal prescription lenses. If there  
10 is a difference in near and distance acuity, the worse acuity is used for  
11 determination of eligibility.

12  
13 (B) Documentation of legal blindness should be obtained from an eye care  
14 physician. If only a general medical report is available stating legal blindness or if  
15 documentation is unobtainable, a functional assessment consisting of a detailed  
16 explanation of how the consumer functions with distance and near acuity will be  
17 provided.

18  
19 (2) the age of the individual is 55 years or older;

20  
21 (3) there is a reasonable expectation that OB services will significantly assist the  
22 individual to improve his/her ability to function independently or improve his/her quality  
23 of life; and

24  
25 (4) the individual does not meet the eligibility criteria to participate in the vocational  
26 rehabilitation program ~~with the goal of homemaker.~~

27  
28 (b) The guidelines for application for OB services are the same as guidelines for the  
29 application for vocational rehabilitation services, with the addition of information to be  
30 supplied indicating the age of the applicant.

31  
32 (c) Eligibility must be determined within 60 days of the date the application for services is  
33 submitted.

1 **612:10-11-24. Successful Closure Status [REVOKED]**

2

3 ~~A successful closure is when the planned program of services has been completed~~  
4 ~~and/or the consumer has achieved his/her goal for independence. The client, or the client's~~  
5 ~~authorized representative as appropriate, will be a full participant in the decision to close~~  
6 ~~the case. The last discussion of the closure decision with the client, or the client's~~  
7 ~~authorized representative, will be held within 30 days of the closure, and will be~~  
8 ~~documented in a case narrative. The client will also be given a copy of the closure letter in~~  
9 ~~their preferred format.~~

1 **612:10-11-25. Unsuccessful Closure Status [REVOKED]**

2

3 ~~Cases are closed in Unsuccessful status when services have been initiated, but have~~  
4 ~~not resulted in the client gaining greater independence. A case may be closed in this~~  
5 ~~status only after death of the consumer, full consultation with the client, his/her guardian, or~~  
6 ~~other representative, or after there has been opportunity provided for full consultation.~~

1 **612:10-11-26. Previously closed cases [REVOKED]**

2

3 ~~(a) A new application can be taken on a case closed as successful when the client is in~~  
4 ~~need of additional services to remain independent, or to become more independent. No~~  
5 ~~more than one case can be closed in successful Status on the same client in the same~~  
6 ~~fiscal year.~~

7

8 ~~(b) A new application can be taken on a case closed as unsuccessful when there is~~  
9 ~~indication the client can benefit from OB services.~~

1 **612:10-11-27. Inter-program transfers [REVOKED]**

2

3 ~~Cases cannot be transferred in the usual manner between the DRS traditional services~~  
4 ~~program and the OB services program and will require a new application be initiated.~~

1 **612:10-11-43. Reader/~~Sighted~~ Guide services [AMENDED]**

2  
3 Reader/~~Sighted~~ Guide services includes the provision of volunteers to read mail, etc.  
4 and use of ~~sighted~~ guides to get to medical, recreational activities, etc. In planning the  
5 provision of reader services, the Department may also make use of available volunteer  
6 reading from family members, community groups and others.

1 **612:10-11-44. Orientation and Mobility services (O&M) [REVOKED]**

2

3 ~~O&M services assist consumers to adjust to their surroundings and learn to move~~  
4 ~~around safely in one's home or community. OB consumers can be referred for evaluation~~  
5 ~~and training.~~

1 **612:10-11-58. Adapted Communication Skills Training [AMENDED]**  
2

3 Staff will evaluate the consumer's need for instruction in communication skills which  
4 includes but is not limited to:

- 5  
6 (1) use of full page, signature, check book, envelope or other hand writing guides;  
7  
8 (2) reading and writing Braille;  
9  
10 (3) keyboarding;  
11  
12 (4) using the telephone;  
13  
14 (5) taking messages;  
15  
16 (6) telling time – watch and clock;  
17  
18 (7) evaluating the need for assistive listening devices for hearing impaired consumers;  
19  
20 (8) developing skills in expressive and receptive communications; ~~and~~  
21  
22 (9) utilizing access technology when appropriate; and  
23  
24 (10) use of communication technology devices (e.g. iPads).

# OSD

# Report

# DRS Commission Report

## March 14, 2016

Spring testing and ACT testing began.

ASL Classes for the community will begin on Tuesdays, March 1<sup>st</sup>- April 26<sup>th</sup>.

South Western Institute for the Deaf representatives came to campus on Tuesday, February 9<sup>th</sup> to visit with the Juniors and Seniors. A pizza lunch was provided.

Oklahoma School for the Deaf Lady Indians won the regional Great Plains Schools for the Deaf basketball championship February 10-13. The team took top honors at a tournament hosted by Wisconsin School for the Deaf where they also won both the three-point and free throw competitions. Three team members were named to the all-tournament team: Haley Runels, Va'Licia Penney and Sara Dobbs. The OSD cheerleaders won the cheerleading competition with senior cheerleader Montrell Adams taking first place in the jump contest. The OSD Indians boys' team faced tough competition, earning seventh place in the tournament.

The Student Ambassadors gave a tour to a tour to Texas Women's University on Friday, February 19<sup>th</sup>.

OSD proudly hosted the South Central Conference All-Star Basketball game on February 29<sup>th</sup> at 6:30. The players were from Bray-Doyle, Fox, Maysville, Paoli, OSD, Springer, Thackerville, and Turner. It was a successful event with more than 320 attendees. Our own Angie Shelby, an OSD graduate, was the coach for one of the girls' teams.

OSD Golf and track teams have begun practicing. They will begin participating in competitions soon. OSD is one of the few deaf schools in the US that provides an opportunity for golf.

Senior Days with VR were held on February 22-23. This was an excellent opportunity for all. Many different topics were covered. All of the seniors and the senior sponsors attended.

Congratulations to the OSD Academic Team! They're going to nationals! Our team finished 4<sup>th</sup> out of 18 teams. Ty Brady won an All Star trophy. Ty was one of four students out of 72 students to win this honor.

OSD elementary celebrated the 100<sup>th</sup> day of school on Tuesday., March 1<sup>st</sup>. Read Across America also known as Dr. Seuss Day will be celebrated on Wednesday, March 2<sup>nd</sup>.

Youth Leadership Murray County went on a tour of our state Capitol..

OSD will celebrate American Sign Language month with many different educational activities and lessons.

**Please note this calendar event change. The OSD Athletic Banquet will be on May 3<sup>rd</sup>. The National Honor Society induction will also be on the afternoon of May 3<sup>rd</sup>.**

# **Executive Summary**

**January 2016**

## **OSD Action Item**

### **Issue:**

Advise commission of donations received by Oklahoma School for the Deaf in January 2016

### **Background:**

### **Staff Recommendation:**

Superintendent recommends acceptance of donation.

### **Budget Impact:**

**Attachment/Packet support Documents:** Donation Report

OSD

Date	Name	Cash	Fund	Property	Value
1/21	OKADE	\$100.00			\$100.00
1/20	Courtney Zoll			\$100.00	\$100.00
1/27	John & Audrey Rider	\$200.00			\$200.00
		<u>\$300.00</u>		Subtotal of Value	<u>\$400.00</u>

**Donations \$500 and Over**

Date	Name	Cash	Fund	Property	Value
		<u>\$300.00</u>		Subtotal of Value	<u>\$400.00</u>
		<b><u>\$300.00</u></b>		<b>Total of Value</b>	<b><u>\$400.00</u></b>

**(Cash and Property)**

STATE OF OKLAHOMA  
COMMISSION FOR REHABILITATION SERVICES

RESOLUTION 2016-11  
February 8, 2016

RESOLVED, THAT THE COMMISSION FOR REHABILITATION SERVICES DOES HEREBY APPROVE AND ADOPT THE FOLLOWING IN CONFORMANCE WITH SB 356, O.S. Section 166.2 Title 74:

Donations to the Oklahoma School for the Deaf in January 2016, from individuals, groups and employees.

Approved in regular session on March 14, 2016.

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Lynda Collins, Chair  
Commission for Rehabilitation Services

# **Executive Summary**

**FEBRUARY 2016**

## **OSD Action Item**

### **Issue:**

Advise commission of donations received by Oklahoma School for the Deaf in December 2015

### **Background:**

### **Staff Recommendation:**

Superintendent recommends acceptance of donation.

### **Budget Impact:**

### **Attachment/Packet support Documents:**

Donation Report and DRS Commission Report

OSD February 2016 Donations

<b>Date</b>	<b>Name</b>	<b>Cash</b>	<b>Fund</b>	<b>Property</b>	<b>Value</b>
2/8	Target Corporation	\$25.21			\$25.21
2/10	American Legion			\$45.00	\$45.00
2/22	John & Audrey Rider	\$200.00			\$200.00

<u>\$225.21</u>	Subtotal of Value	<u>\$270.21</u>
-----------------	-------------------	-----------------

**Donations \$500 and Over**

<b>Date</b>	<b>Name</b>	<b>Cash</b>	<b>Fund</b>	<b>Property</b>	<b>Value</b>
2/25	Sorenson Communications, Inc	\$2,000.00			\$2,000.00

<u>\$2,000.00</u>	Subtotal of Value	<u>\$2,000.00</u>
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**(Cash and Property)**

<u><b>\$2,000.00</b></u>	<b>Total of Value</b>	<u><b>\$2,270.21</b></u>
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STATE OF OKLAHOMA  
COMMISSION FOR REHABILITATION SERVICES

RESOLUTION 2016-14  
March 14, 2016

RESOLVED, THAT THE COMMISSION FOR REHABILITATION SERVICES DOES HEREBY APPROVE AND ADOPT THE FOLLOWING IN CONFORMANCE WITH SB 356, O.S. Section 166.2 Title 74:

Donations to the Oklahoma School for the Deaf in February, 2016, from individuals, groups and employees.

Approved in regular session on March 14, 2016.

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Lynda Collins, Chair  
Commission for Rehabilitation Services

# OSB

# Report

# Executive Summary

## January 2016

### OSB Action Item

#### ISSUE:

Advise Commission of donations received by Oklahoma School for the Blind in January, 2016

#### BACKGROUND:

Gifts from individuals, groups and employees.

#### STAFF RECOMMENDATION:

Superintendent recommends acceptance of gifts from sources listed above.

#### BUDGET IMPACT: (if any)

#### ATTACHMENT(S)/PACKET SUPPORT DOCUMENTS: (list)

\*Limit Summary to one page

## OSB Donation Report December 2015 Donations

Date	Name	Cash	Fund	Property	Value
12.1.15	Karon Wheat	\$25.00	701 – Rec./Ed.		
12.2.15	Marilyn Joplin	\$100.00	701 – Rec./Ed.		
12.2.15	Nancy Poteete	\$100.00	701 – Rec./Ed.		
12.14.15	OK Home & Community Education	\$74.00	701 – Rec/Needy		
<b>Subtotal of Cash (under \$500) donated December 2015</b>		<b>\$299.00</b>		<b>Subtotal of Value</b>	<b>\$0.00</b>
<b>Donations \$500 and over</b>					
12.8.15	Anne and Henry Zarrow Foundation	\$5,000.00	701/Space Camp/ Close-Up		
12.14.15	Real Estate Professionals	\$500.00	701 - Recreation		
<b>Subtotal of Cash (\$500 and over) donated</b>		<b>\$5,500.00</b>		<b>Subtotal of Value</b>	<b>\$0.00</b>
<b>In December 2015</b>					
<b>Total Donation Amts.-Cash and Property December 2015</b>		<b>\$5,799.00</b>			

STATE OF OKLAHOMA  
COMMISSION FOR REHABILITATION SERVICES  
RESOLUTION 2016-12  
February 8, 2016

RESOLVED, THAT THE COMMISSION FOR REHABILITATION SERVICES DOES HEREBY APPROVE AND ADOPT THE FOLLOWING IN CONFORMANCE WITH SB 356, O.S. Section 166.2 Title 74:

Donations to the Oklahoma School for the Blind in December, 2016 from individuals, groups and employees.

Approved in regular session on March 14, 2016

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Lynda Collins, Chair  
Commission for Rehabilitation Services

STATE OF OKLAHOMA  
COMMISSION FOR REHABILITATION SERVICES  
RESOLUTION 2016-15  
March 14, 2016

RESOLVED, THAT THE COMMISSION FOR REHABILITATION SERVICES DOES HEREBY APPROVE AND ADOPT THE FOLLOWING IN CONFORMANCE WITH SB 356, O.S. Section 166.2 Title 74:

Donations to the Oklahoma School for the Blind in February, 2016 from individuals, groups and employees.

Approved in regular session on March 14, 2016.

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Lynda Collins, Chair  
Commission for Rehabilitation Services