**Section 521.20 Definitions**

"Act" means the Disabled Persons Rehabilitation Act [20 ILCS 2405].

"Advocacy" means pleading an individual's cause or speaking or writing in support of an individual that may include representation before public or private entities on the behalf of one's self, another individual or a group of individuals.

"Assistive Technology" means any item, piece of equipment, product or system, whether modified, customized or acquired commercially from the manufacturer or off the shelf, that is used to increase, maintain or improve the functional capabilities of an individual with a disability.

"Authorization" means the method used to approve funding for diagnostic services and vocational services listed on a customer's IPE.

"Authorized Activities" means Pre-employment Transition Services, including, but not limited to:

providing instruction to VR counselors, school transition personnel, and other persons supporting students with disabilities;

disseminating information about innovative, effective and efficient approaches to achieve the goals of Pre-employment Transition Services; and

applying evidence-based findings to improve policy, procedure, practice and the preparation of personnel, in order to better achieve the goals of Pre-employment Transition Services.

"Auxiliary Services" means services that reasonably accommodate a person with a disability and ensure equal access to service delivery (e.g., readers, interpreters, note-takers, computer assisted realtime captioning (CART), etc.). Auxiliary services may be necessary to assist a customer with the completion of a substantial service.

"Center for Independent Living" or "CIL" means a consumer-controlled, community based, cross-disability, nonresidential, private not-for-profit agency that is designed and operated within a local community by individuals with disabilities and that provides an array of independent living services.

"Client Assistance Program" or "CAP" means a program funded under the federal Rehabilitation Act of 1973 (VR Act) (29 USC 701 et seq.) to provide assistance in informing and advising all customers and applicants of all available benefits under the VR Act and upon request of such a customer to assist in the customer's relationship with projects, programs and services provided by the VR Act. CAP services can include assistance and advocacy in pursuing legal, administrative or other appropriate remedies to ensure the protection of the customer's rights under the Act.

"Community Rehabilitation Program" means a program that provides a variety of services to assist individuals with disabilities to achieve Competitive Integrated Employment, supported employment or customized employment.

"Comparable Benefit" means a service that is available at the time the service is needed by a customer to achieve the vocational goal and objectives specified in the customer's IPE that, when provided to DHS-DRS customers by a public or private agency or agencies other than DHS-DRS, offset costs that would otherwise be paid by DHS-DRS or the customer.

"Competitive Integrated Employment" means work that is performed on a full-time or part-time basis (including self-employment) and for which the customer is compensated with the customary wage and level of benefits, but not less than the minimum wage and:

is not less than the customary wage paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities in similar occupations;

in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar tasks;

is eligible for the same level of benefits provided to other employees;

is in a location in the community where the individual with a disability interacts with individuals who are not individuals with disabilities; and

presents, as appropriate, opportunities for advancement that are similar to those for other employees with similar positions who are not individuals with disabilities.

"Confidential Information" means all closed, active and future records and conversations (including Teletypewriter/Telecommunication Devices for the Deaf (TTY) and Nextalk) kept by DHS-DRS concerning the customer's program of services. Printouts from TTY conversations must be destroyed upon completion and documentation of the call.

"Counseling on Postsecondary Education" means counseling provided to students with disabilities, individually or in a group setting, regarding opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.

"Customer" means a person who has requested, been referred for, is receiving, or has received any DHS-DRS services, including a student at a DHS-DRS school.

"Customer Financial Analysis" means a calculation using form IL 488-0265, developed by DHS-DRS to determine the customer and family financial participation.

"Customer Financial Participation" means the amount of money, as determined by the completion of the Customer Financial Analysis, that a customer or the customer's family must contribute to the cost of services and the amount of any voluntary contributions the customer or his or her family wishes to contribute to the cost of services.

"Customized Employment" means Competitive Integrated Employment, for an individual with a significant disability:

that is based on an individualized determination of the unique strengths, needs, interests and abilities and on the needs of the employer; and

that can be carried out through flexible strategies.

"Dependent" means an individual who receives half or more of his or her normal living expenses from his or her family. When a dependent customer is receiving training services at a post-secondary institution, the customer may retain dependent status up to the age of 24.

"DHS" means the Illinois Department of Human Services.

"DHS-DRS" or "DRS" means the Illinois Department of Human Services-Division of Rehabilitation Services.

"Director" means the Director of the Division of Rehabilitation Services.

"Employee" means any person employed by DHS-DRS to participate in the delivery of DHS-DRS programs. The term shall also include supervisory level personnel and others in management positions.

"Employment Outcome" means entering, advancing in, or retaining full-time or, if appropriate, part-time employment in Competitive Integrated Employment, including customized employment, self-employment, telecommuting, business ownership or supported employment.

"Entity" means an employer, or a contractor or subcontractor of that employer, that holds a special wage certificate described in the Fair Labor Standards Act (FLSA) (29 USC 201 et seq.)

"Extended Period of Time" means a period of at least six months or longer.

"Extended Services" means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment. For a youth with a most significant disability, DHS-DRS may provide services for a period of time not to exceed four years or until a youth reaches the age of 25 and no longer meets the definition of a "youth with a disability". Extended services include both paid and unpaid services.

"Family", for purposes of identifying individuals included in the family when completing the Customer Financial Analysis, shall include the customer and all other family members. A family member is anyone who resides in the same household and is related to the customer by blood or marriage or has a close interpersonal relationship with the customer.

"Financial Contribution" means the amount of DHS-DRS' payment for services that are needed to determine eligibility or to assist in achieving an employment outcome.

"Financial Participation" means the amount of money, as determined by the completion of the Customer Financial Analysis, that a customer or the customer's family must contribute to the cost of services, and the amount of any voluntary contributions the customer or the customer's family wishes to contribute to the cost of services.

"Grievant" means any customer, or licensed vendor as specified in 89 Ill. Adm. Code 650 (Vending Facility Program for the Blind), who has been aggrieved by any action or inaction by DHS-DRS.

"Guardian" means the person appointed by a court as the guardian of the person of a minor or an adult.

"Hearing" means an administrative hearing of the appeal of the grievant as set forth in 89 Ill. Adm. Code 510.105 and presided over by an Impartial Hearing Officer.

"Hearings Coordinator" means the DHS Chief, Bureau of Administrative Hearings, who is responsible for communicating with the grievant about the appeal requests, docketing and scheduling hearings, and coordinating the appointment of Impartial Hearing Officers.

"Impartial Hearing Officer" means the individual appointed to conduct the hearing (see 89 Ill. Adm. Code 510.90).

"Inaction" means the failure of DHS-DRS to act within the time lines specified by the program rules.

"Income" means all earned and other income from all sources, including:

all types of public support;

wages, tips, disability payments, Worker's Compensation, interest or dividends from investments, savings, trust funds, certificates of deposit, etc.;

child support, spousal support and income from rental and leased property; and

private sources.

The value of readily available assets (i.e., cash-on-hand, checking accounts, savings accounts, certificates of deposit, stocks, bonds, accessible trust funds) shall not be considered as income for the purpose of completion of the Customer Financial Analysis, unless those assets have been established for the support or training of the customer. Income from all family members, 19 and older, will be included in the completion of the customer financial analysis.

"Independent Living Core Services" means the minimum services an organization must provide to be considered a CIL. These services are information and referral services, independent living skills training, peer counseling, including cross-disability peer counseling, and individual and system advocacy.

"Independent Living Plan" or "ILP" means a written plan that outlines the Independent Living Services that are to be provided to a customer determined eligible to receive Independent Living Services. The ILP must be jointly developed by the CIL and the customer, who will receive Independent Living Services. An ILP must be developed for each customer who receives Independent Living Services unless the customer specifically signs a statement waiving his or her rights to have an ILP.

"Independent Living Services" means services in addition to the Independent Living Core Services provided by a CIL that DHS would take into consideration when approving funding or continued funding for a CIL.

"Industry Recognized Credential" means a certificate, license or other documentation indicating that an individual has completed training that allows him or her to engage in a particular occupation.

"Informal Resolution Conference" means an attempt to informally resolve an appeal by the grievant and DHS-DRS, as set forth in 89 Ill. Adm. Code 510.100.

"Informed Choice" means an interactive process between DHS-DRS and the customer that provides sufficient, objective information and options that are designed to empower the customer in selecting services, providers and outcomes.

"Instruction in Self-Advocacy" means instruction provided to students with disabilities, individually or in group settings, designed to develop self-advocacy skills through a variety of mechanisms, including peer mentoring.

"Integrated Setting" means a setting typically found in the community in which customers interact with non-disabled individuals other than individuals who are providing service to the customer. With respect to an employment outcome, an integrated setting means a setting typically found in the community in which the customer interacts with non-disabled individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

"IPE" means Individualized Plan for Employment (see 89 Ill. Adm. Code 572).

"Job Coaching" means a method of providing ongoing support services through the use of a worker known as a "job coach" who is present with the customer at the job site. These workers provide a variety of training, monitoring and support functions to customers receiving supported employment services.

"Job Exploration Counseling" means counseling provided to students with disabilities, individually or in a group setting, including information on occupations and labor market composition and identification of career pathways and interests.

"Mediator" means an individual who is qualified in mediation and knowledgeable of the laws and regulations relating to the provision of vocational rehabilitation services.

"Minimum Wage" means the rate under applicable federal, State and local law.

"Natural Supports" mean unpaid assistance provided in the work setting to a customer receiving supported employment services.

"Normal Living Expenses" means housing, food that is purchased for preparation and consumption at home, clothing and utilities.

"On-the-Job Evaluation" means the methods and determinations used to evaluate whether a customer has the capabilities to perform work tasks relevant to their ability to achieve an employment outcome.

"On-the-Job Training" means specific skills training provided at an employment site to a customer who has demonstrated the ability to perform the duties associated with the specific job title.

"Ongoing Support Services" means services that are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment. These services are based on the individual's need as specified in the IPE. Provided services will be from the time of job placement until transition to Extended Services, and include an assessment for provision and coordination of services.

"Order of Selection" means the process that determines the priority in which customers are served, based on the categories listed in 89 Ill. Adm. Code 553.130.

"Parent" means either a natural or adoptive parent, except those whose parental rights have been terminated voluntarily or by order of a court, or otherwise restricted by order of a court.

"Personal Assistant" or "PA" means an individual employed to assist an individual with a disability to perform daily living activities that the individual would typically perform without assistance if the individual did not have a disability.

"Personal Representative" means an attorney, CAP representative or other individual designated by a grievant to act on the grievant's behalf in the proceedings of a hearing.

"Physical & Mental Restoration" means medical or medically related rehabilitation and therapeutic services that are likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

"Placement" means services necessary to assist a customer in obtaining employment in his or her chosen occupational area. Placement services shall include, but not be limited to:

interviewing skills training;

resume preparation;

interview preparation;

referral to other agencies and prospective employers; and

identification of prospective employers.

"Post-employment Services" means a VR service provided to a customer, not lasting more than 6 months, to maintain, regain or advance in employment.

"Post-school Activities" means vocationally oriented activities undertaken by a customer or student after he or she leaves the secondary education system. These activities may include:

post-secondary education;

vocational training;

integrated employment, including supported employment;

continuing and adult education;

VR services; and

community participation.

"Pre-employment Transition Coordination Activities" means activities designed to coordinate provision of Pre-employment Transition Services, including:

attending Individual Education Plan meetings, when invited;

working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities;

working with schools to coordinate and ensure the provision of Pre-employment Transition Services; and

attending person-centered planning meetings for students with disabilities receiving services under title XIX of the Social Security Act (42 USC 1396 et seq.), when invited.

"Pre-employment Transition Services" means required, authorized, and pre-employment transition coordination activities that are provided to students with disabilities.

"Proof of Income" means the portion of the most recent tax return that contains the adjusted gross income and the signature of the person submitting the return. Proof of income must be provided for each individual included in the definitions of "family" and "income" in this Section. An estimated annual income will be calculated based on current wage records if an annual federal tax return has not yet been completed or if the financial status has significantly changed since the last submitted tax return.

"Rehabilitation Closure" means a closure taken on a customer's case when he or she was provided substantial services over an extended period of time that enabled the customer to achieve a successful employment outcome.

"Rehabilitation Services Administration" or "RSA" is a division under the U.S. Department of Education that administers the federal VR program.

"Rehabilitation Technology" means systematic application of technologies, devices and services to meet the needs of people with disabilities and to address the barriers confronted by them.

"Representative" means an attorney, CAP representative or other individual designated by the customer who is authorized to act on the customer's behalf.

"Required Activities" means Pre-employment Transition Services specified in 34 CFR 361.5(c)(42): job exploration counseling; Work-based Learning Experiences; counseling on postsecondary education; workplace readiness training; and instruction in self-advocacy.

"Schools" means the three State Schools operated by DHS-DRS: the Illinois Center for Rehabilitation and Education-Roosevelt, the Illinois School for the Deaf, and the Illinois School for the Visually Impaired.

"Secondary Transitional Experience Program" or "STEP" means a program of transition services provided through cooperative agreement of DHS-DRS and a Local Educational Agency (LEA).

"Self-employment" means a customer working for himself or herself in a business selling goods or services for the purpose of making a profit that will allow the customer to achieve an employment outcome.

"Services" means the services provided by and through DHS-DRS to customers of the Vocational Rehabilitation program as described in 89 Ill. Adm. Code 590 (Services).

"Special Wage Certificate" means a certificate issued to an employer under Section 14c of FLSA that authorizes payment of subminimum wages.

"Standard Budget Allowance" or "SBA" means a figure equal to 70% of the State Median Income established by the Office of Community Programs of the U.S. Department of Health and Human Services that are published annually in the Federal Register.

"State Plan for Independent Living" means the plan jointly developed by DHS and the Statewide Independent Living Council (SILC) (see 89 Ill. Adm. Code 515) and approved by the Director and the Chairperson of SILC, which is submitted for review and approval by RSA. The State Plan includes outlines for services, goals and objectives of the DHS-DRS Independent Living Program, as well as the plan for Independent Living Services throughout the State, and is the basis for Part B Funds received from RSA.

"Statewide Independent Living Council" or "SILC" means the council established pursuant to the VR Act and the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a] and governed by 89 Ill. Adm. Code 515.

"Student with a Disability" means:

an individual with a disability who:

is in an educational program;

is at least 14 years of age and younger than age 22; and

is eligible for and receiving special education or related services under the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq.); or

an individual with a disability for purposes of section 504 of the Rehabilitation Act (29 USC 701 et seq.).

"Substantial Services" means training, physical restoration, mental restoration and placement.

"Support Reduction Schedule" means a planned method of gradual reduction in the amount of ongoing support services provided to a customer receiving supported employment services. The purpose of the support reduction schedule is to reduce reliance on supports during the course of the customer's participation in supported employment services to the greatest degree possible while maintaining the customer in employment, and to assist the customer in making a transition to Extended Services.

"Support Services" means non-disability related services (e.g., tutors, transportation, books and supplies, etc.) needed to assist in the completion of a substantial service required to obtain the employment outcome.

"Supported Employment" means:

Competitive Integrated Employment, including customized employment; or

employment in an integrated setting in which an individual with a most significant disability is working on a short-term basis toward Competitive Integrated Employment for whom:

Competitive Integrated Employment has not historically occurred, or whose Competitive Integrated Employment has been interrupted or intermittent; and

intensive supported employment services are needed in order to perform the work.

"Supported Employment Services" means ongoing services, including customized employment and other appropriate services, needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment that are:

organized and made available, individually or in combination, in such a way as to assist an eligible individual to achieve Competitive Integrated Employment;

based on a determination of the need of an eligible individual, as specified in an IPE; and

provided for a period of time not to exceed 24 months, unless under special circumstances (including, but not limited to, illness or medical condition; family crisis; change in residence; or, if the person has a guardian, change of guardian) the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE.

"Transition services" means a coordinated set of activities for a student or youth with a disability that:

promotes movement from school to post-school activities, including postsecondary education, vocational training, Competitive Integrated Employment, supported employment, continuing and adult education, adult services, independent living, or community participation;

takes into account the individual's needs, preferences and interests;

includes instruction, community experiences, development of post-school employment and adult living objectives;

promotes achievement of Competitive Integrated Employment; and

includes outreach to and engagement of the parents, or as appropriate, the representative of the student or youth with a disability.

"Un-served" or "Under-served" means groups or populations of individuals with severe disabilities living in the State that are not receiving sufficient services.

"Unusual Allowable Expenses" as related to the completion of the customer financial analysis, are expenses directly related to the customer's or other family member's disability, such as on-going medical treatment, medication, adaptive equipment, and rehabilitation technology services. These costs are currently being paid by the customer or customer's family and are not paid for through insurance or any other source. Cost associated with another family member attending post-secondary education, which is currently paid by the family, shall also be included as an Unusual Allowable Expense. Unusual Allowable Expenses shall not be included in the customer Financial Analysis without appropriate documentation of each expense.

"VR Act" means the federal Rehabilitation Act of 1973 (29 USC 701 et seq.).

"Work-based Learning Experiences" means a range of experiences for students with disabilities centered on work, which may include in-school, after school, or community-based opportunities, that are provided in integrated settings to the greatest extent possible.

"Workplace Readiness Training" means training provided to students with disabilities, individually or in group settings, to develop social skills and independent living skills necessary to prepare for eventual employment.

"Youth with a disability" or "youth" means an individual with a disability who is not younger than 14 years of age and not older than 24 years of age.

(Source: Amended at 42 Ill. Reg. 16206, effective August 8, 2018)