

## 111 CMR: MASSACHUSETTS COMMISSION FOR THE BLIND

### 111 CMR 6.00: VOCATIONAL REHABILITATION SERVICES: COLLEGE TRAINING SERVICES

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#### 6.01: Statement of Purpose

111 CMR 6.00 is published in order to establish the conditions and requirements governing the provision of college training services. The purpose of these services is to enable blind persons to attain suitable employment outcomes under the provisions of the Federal-State Program of Vocational Rehabilitation for the Blind. The Commission recognizes that consumers often have disabilities in addition to blindness. Issues which effect other disabilities may be dealt with in other regulations or policies (e.g. interpreter or note taking services for deaf/blind consumers) and may not be dealt with specifically in 111 CMR 6.00. Individual sections of 111 CMR 6.00 must be read in the context of the whole, since one part may rely on another. In particular, the availability of resources other than college training services must be given appropriate consideration in determining eligibility.

#### 6.02: Definitions

Academic Year: The period of time between September 1 and August 31 of any year.

College Training: Training at an accredited college, junior college, community college, or other degree-granting institution.

Consumer: A person who is receiving vocational rehabilitation services from the Commission for the Blind or who has been determined to be eligible for such services.

Commission: The Massachusetts Commission for the Blind.

Commissioner: The Commissioner of the Massachusetts Commission for the Blind.

Comparable Benefits: Those resources which are available to a consumer for payment for or provision of specified vocational rehabilitation services and which must be taken into consideration prior to payment by the Commission for provision of college training services, as required by the Rehabilitation Act of 1973, as amended. Particular attention should be paid to the Americans with Disabilities Act which requires public accommodations and governmental entities to provide services to persons with disabilities.

Counselor: A counselor for the blind on the staff of the Commission's Vocational Rehabilitation Program.

Individualized Written Rehabilitation Plan (IWRP): A plan, developed jointly by the counselor and consumer, as required by the Rehabilitation Act of 1973, as amended, which defines the consumer's vocational goal and outlines the responsibilities of the consumer and the Commission and the vocational rehabilitation services which will be provided in order to achieve that goal.

Regional Director: The Commission employee responsible for the planning, coordination, and management of services in a designated geographical area of the Commonwealth.

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Vocational Rehabilitation Program: Counseling, training, physical restoration, job placement, follow up, vocational rehabilitation and other services as provided in P.L. 93-112, as amended.

(Note: On occasion, a term may be changed without changing the function of the term, *e.g.* a regional director could be called an area director without essentially changing the function of that position. Unless there is a material change in the function of a term, it will not be necessary to amend 111 CMR 6.00.)

6.03: Scope of College Training Services

(1) College training services shall only be provided when:

- (a) such services are necessary to enable a consumer to reach a specific vocational outcome which has been determined to be suitable by both the consumer and the counselor and which have been identified in an individualized written rehabilitation plan (IWRP); and
- (b) the IWRP specifies the nature, purpose, and duration of the services as well as the terms and conditions for the services; and
- (c) the IWRP has been approved by the consumer, the counselor, the counselor's supervisor and the Regional Director.

(2) College Training Services leading to a baccalaureate degree will be limited to four academic years unless one of the following circumstances applies:

- (a) A consumer is pursuing a plan under an approved IWRP which normally requires five years of undergraduate training leading to one specialized undergraduate degree. In such cases, the consumer may be provided five years of full-time undergraduate training.
- (b) A consumer is pursuing a plan under an approved IWRP which involves a cooperative plan of education. In such cases, the consumer may be provided five years of full-time undergraduate training.
- (c) A consumer who is unable to undertake the usual full-time course of study due to the functional limitations of a disability or due to acute illness, may be allowed to attend college part-time and may be allowed an extension of time of a specified duration. Such an exception must be approved by the Regional Director, and the reasons for the exception documented in the consumer's file.

Example: A consumer has to have surgery and will be unable to study full-time for six months while she is recuperating. Acute illnesses are generally of relatively short duration. Another consumer, who is deaf/blind, is unable to study full-time, because the severity of his disabilities substantially slows his ability to process information. This may continue for the duration of his studies. In general, part-time study should be the exception, allowed for the shortest time reasonable and the basis for the exception should be well documented.

(d) A consumer who is eligible for vocational rehabilitation services because s/he is seriously underemployed and is unable to undertake the usual full-time course of study because s/he is employed on a full-time basis, may be allowed to attend college part-time and may be allowed an extension of time of a specified duration. Such an exception must be approved by the Commissioner or his/her designee, and the reasons for the exception must be documented in the consumer's file.

(e) A consumer whose potential ability to undertake a baccalaureate degree program is undetermined, may be allowed to take a maximum of two courses per semester on a part-time basis for no more than one academic year under an IWRP approved by the counselor, the counselor's supervisor and the Regional Director. The reasons for the exception must be documented in the consumer's file.

(3) Full-time graduate training services leading to an advanced degree may be provided when such a degree is necessary for the consumer to achieve the goal established under the consumer's IWRP. Services will be provided only as far as needed to achieve the minimum advanced degree needed to enter the field (*e.g.* JD, MD). Maximum years covered will be the norm for the program (*e.g.* three for a JD, four for an MD) up to a maximum of four years. A one year extension may be granted by the Commissioner or his/her designee, under extraordinary circumstances, which must be documented in the consumer's file.



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(4) A consumer who is eligible for vocational rehabilitation services because s/he is seriously underemployed and who is unable to undertake the usual full-time course of study leading to an advanced degree because s/he is employed on a full-time basis may be allowed to attend part-time and may be granted an extension of time for a specified duration. Such an exception must be approved by the Commissioner, or his/her designee, and the reasons for the exception documented in the consumer's file.

(5) The Commission will not provide college training services to any person who has previously been awarded any advanced degree, unless the advanced degree was awarded before the onset of a new disabling condition or a severe exacerbation of the previously existing disability, and the degree is only useful in an occupation which the person cannot pursue because of the functional limitation of her/his new or exacerbated disability.

(6) The maximum payment the Commission may contribute for a consumer toward college training during any academic year may not exceed the total amount charged to Massachusetts residents for two semesters of tuition and mandatory fees at the University of Massachusetts at Amherst, prorated for part-time students.

(7) College training services may be provided at institutions outside Massachusetts, if approved in the IWRP. Transportation back to a Massachusetts residence for the holidays will be limited to two round trip tickets per year at the lowest reasonable cost.

6.04: Consumer Responsibility

(1) A consumer may be required by the counselor to undergo suitable intelligence scale, aptitude, or interest tests or other appropriate evaluation prior to the formulation of the IWRP. This may include consultation with college advisory personnel.

(2) A consumer may be required by the counselor to submit a completed Statement of Vocational Objective, which is attached and incorporated by reference into 111 CMR 6.00, prior to the formulation of the IWRP.

(3) A consumer may be required by the counselor to provide other materials necessary for the development of an IWRP for the provision of college training services such as school transcripts.

(4) Each consumer interested in undergraduate training must apply for a Massachusetts State Scholarship, a Pell Grant, and at least one scholarship or grant from each of the colleges to which the consumer is making application for admission. A consumer may be required to give the counselor a letter from each of the above sources indicating the results of the grant/scholarship application. A consumer may also be required to apply for and participate in a work-study program.

(5) Each consumer interested in advanced degree training must apply for at least two scholarships and/or grants. A consumer may be required to give the counselor a letter from each source to which the consumer applied, indicating the results of the application. A consumer may also be required to apply for and participate in a work-study and/or teaching assistant program.

(6) Each consumer must file a Free Application for Federal Student Aid (FAFSA) annually, no later than April 15th, with a request that a copy of the FAFSA and the analysis be sent to the Commission, the colleges to which applications are being made, the Massachusetts State Scholarship Program, and Pell Grant Program. The Regional Director may grant a waiver for the deadline of April 15th if the Regional Director finds that circumstances beyond the consumer's control prevented the consumer from meeting this deadline. Waivers, and the reasons for granting them, must be documented in the consumer's file. No such waiver will be granted if the Commission has not received a copy of the FAFSA at least 15 days before the college training services are to commence. If such a waiver of the deadline of April 15 is granted, the Commission cannot guarantee that the necessary procedures for authorization will be completed before the consumer is scheduled to begin college training.

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(7) A consumer must notify the counselor in writing of his/her wish to develop an approved IWRP toward college training services no later than February 1st of the calendar year in which the training is to commence after that date. This requirement will be waived by the Regional Director if the Regional Director finds that circumstances beyond the consumer's control prevented the consumer from meeting this deadline of February 1st.

(8) Consumers who are receiving college training services will be required to submit to the counselor copies of all grade reports issued by the college within two weeks of the consumer's receipt of those grades.

(9) A consumer receiving college training services is responsible for keeping the counselor advised regarding progress, problems, or any circumstances which might interfere with the completion of the IWRP.

(10) A consumer receiving college training services may not change the course of study specified in the IWRP unless there is an amendment to the IWRP agreed upon with the counselor and approved by the counselor's supervisor and the Regional Director in advance of the change. Any amendments must be signed by the counselor, consumer and Regional Director.

6.05: Determination of Financial Need

The counselor will determine the consumer's financial need in accordance with the following standards before authorizing paid college training services.

The existence and extent of the financial need is determined by subtracting the following amounts from the projected total cost for the academic year:

- (1) The amount designated as "Parents' Contribution" on the analysis of the FAFSA; and
- (2) The amount designated as "Student's Contribution" on the analysis of the FAFSA; and
- (3) The amount of any Federal government grants awarded to the consumer (If the grant has not yet been awarded at the time financial need is determined, the estimated amount of grant eligibility that is reported on the FAFSA will be subtracted. If the grant, when awarded, is more or less than the estimated amount, financial need will be recalculated.); and
- (4) The amount of any scholarship or grant awarded to the consumer; and
- (5) The projected work-study and/or teaching assistant earnings.

The projected total cost of tuition and fees, for the academic year will be determined by the Financial Aid Officer of the institution which the consumer will be attending and will be reported to the counselor.

6.06: Reimbursement for Necessary Books and Supplies

(1) Reimbursement for necessary books and supplies will be provided to a consumer receiving college training services under an approved IWRP without regard to financial need. Necessary books and supplies do not include personal items or any material that is not directly related to the consumer's course of study.

(2) The maximum payment which the Commission may authorize during any academic year for necessary books and supplies for a consumer receiving college training services will be determined by the Commissioner or his/her designee on an annual basis, the date to be determined by Commonwealth fiscal year budget requirements. Rates of reimbursement are applied universally and may not be adjusted for individuals. No consumer may receive more than the actual cost of necessary books and supplies.

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(3) No consumer may receive more than the maximum amount established except under extraordinary circumstances, such as theft or fire, and then only what is necessary to replace the items so that the consumer may complete his/her course work. Exceptions may be approved by the Commissioner or his/her designee upon sufficient showing of proof of the loss, which must be documented in the consumer's file.

(4) Equipment, such as tape recorders, CCTVs, etc., is not included in the definition of "necessary books and supplies". Such equipment may be provided when necessary to consumers receiving college training services. Provision of such equipment will be made within the scope of the Commission's equipment guidelines.

6.07: Reimbursement for Necessary Reader Services

(1) Reimbursement for necessary reader services will be provided to a consumer receiving college training services under an approved IWRP without regard to financial need.

(2) The Commission may reimburse a consumer for necessary reader services at an hourly rate as established by the Commissioner, or his/her designee, on an annual basis the date to be determined by Commonwealth Fiscal Year budget requirements. Rates of reimbursement are applied universally and may not be adjusted for individuals. A maximum of 60 hours of service per calendar month may be reimbursed, provided said services are associated with the consumer's status as a registered college student, and provided further that said reader services and student status are incorporated in an individualized written rehabilitation plan approved by the Commission.

The 60 hour limitation of 111 CMR 6.07 may be waived by the Commissioner or his/her designee, upon a showing of extraordinary circumstances. Extraordinary circumstances do not include situations where the normal course of study is one that requires a heavy reading schedule.

Examples of extraordinary circumstances:

A consumer, in consultation with his/her counselor, decides to pursue an accelerated program which results in an earlier graduation.

A consumer normally depends on a CCTV for reading and the equipment becomes unavailable and cannot be promptly replaced.

(3) When a consumer receiving college training services has possession of or reasonable access to a CCTV, scanner, or other device that can facilitate reading, the maximum amount the Commission may authorize for reimbursement for necessary reader services will be for 15 hours at the hourly rate established above.

(4) If reader services are authorized, a report in the form of properly completed and signed certificates for reimbursement, on a form provided by the Commission, must be submitted in a timely manner. Failure to do so could result in the consumer not receiving reimbursement for that period. Consumers may need to provide other documents in a timely manner in order to receive payment.

(Note: Reader fee reimbursement is reimbursement to the consumer, not the reader. Payment to the reader is the consumer's responsibility, not the Commission's. Rate of payment to the reader, number of hours for which service is contracted, *etc.* is not determined by or limited by the Commission.

Reimbursement by the Commission to the consumer may not meet the full need a consumer may have for reader services.)



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6.08: Administrative Review

Pursuant to 111 CMR 1.00, any consumer who is dissatisfied with any decision made under 111 CMR 6.00, may file a request for Administrative Review of such action by writing to the Commission, Hearings Officer. If the consumer is dissatisfied with the findings of the Administrative Review, he or she may request a hearing before an impartial hearings officer. The Commission also operates a Client Assistant Program, the services of which are available to any consumer who is dissatisfied with services under 111 CMR 6.00. In addition, the Massachusetts Office on Disability operates a federally-mandated Client Assistance Program, the services of which are also available to any consumer who is dissatisfied with services under 111 CMR 6.00.

6.09: Effective Date

The effective date of 111 CMR 6.00, as amended, will be 8/11/95.

6.10: Appendix 1 Form

STATEMENT OF VOCATIONAL OBJECTIVE

This statement must be completed and returned by \_\_\_\_\_

1. What is your vocational objective? Give us a comprehensive job description of your chosen objective including duties and responsibilities.
2. How did you arrive at this objective? Give details.
3. What training is required to attain this objective? (Give specific details on content of training program.)
4. Will such a training program equip you for employment in other occupations? If so, what occupations?

REGULATORY AUTHORITY

111 CMR 6.00: M.G.L. c. 6, § 131J.