



The Vocational Rehabilitation Process

A Handbook for Clients and Applicants
Disability Rights Montana, Client Assistance Program
April 2026

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How to Use this Guide

Disability Rights Montana (DRM) developed this guide to assist people with disabilities, their families, and advocates. The guide describes some of the programs, rules, methods, and standards for getting rehabilitation and independent living services. It explains these services and describes how best to be a self-advocate to get the services you need. More information about these services and how to self-advocate for them are available on our work website:

disabilityrightsmt.org/work.

To learn more about DRM's Client Assistance Program (CAP), read the section called *[Client Assistance Program](#)*.

If you need to learn about or improve self-advocacy skills, read the section called *[Be Your Own Advocate](#)*. When you are ready to do advocacy for yourself, you should study how the rehabilitation program and independent living services work.

To understand how the rehabilitation program and independent living services work, read the section beginning on page 14 called *[The Steps to Rehabilitation](#)*. Study Steps 1 through 6. You can follow the step-by-step process to locate the part of the program where you can best apply your skills.

If you need information about what to do if you disagree with a decision made by a rehabilitation agency or independent living center, read the section called *[Your Rights](#)*.

DRM's goal in writing this handbook is to help people understand the process of getting services through vocational rehabilitation. Getting information about program services and resources is a skill that you can use in the future with any program. You can find the most up-to-date information at Disability Rights Montana's employment website:

disabilityrightsmt.org/work.

Client Assistance Program

What is CAP?

The Client Assistance Program (CAP) is a DRM program that helps people with disabilities who have concerns about agencies in Montana that provide vocational rehabilitation or independent living services. The type of help provided may be information and referral, advice and counseling, mediation and negotiation, advocacy, representation in an administrative appeal, or other legal services. The types of services we offer differ based on our funding, priorities, and capacity.

DRM's CAP generally works on systemic problems with Montana Vocational Rehabilitation (VR) or an Independent Living Center (ILC). This means we usually work on issues impacting more than one person, not advocating for a single individual. For individual problems, we provide information and resources for self-advocacy through our website at disabilityrightsmt.org/work.

Who can get CAP services?

Information is available to anyone with a disability in Montana at disabilityrightsmt.org/work. *CAP generally reviews larger system issues that affect many consumers, not individual cases.* If you are applying for or receiving rehabilitation or independent living services, you may report *system-level concerns* to CAP by emailing us at CAP@dr-mt.org. Make sure to *describe the system problem in detail and give us your contact information.* We may get back to you with follow up questions, but do not have the resources to respond to every question and will not respond to requests for individual advocacy.

What programs does CAP cover?

CAP was created under a federal law called the Rehabilitation Act of 1973 to help protect your rights. This law explains your rights and responsibilities and outlines who can receive rehabilitation services. A CAP program can work on issues with any agency that receives federal funding through the Rehabilitation Act and certain issues related to employment rights and protection from employment discrimination for people with disabilities.

These programs include MT VR and Montana's four Independent Living Centers:

LIVING INDEPENDENTLY FOR TODAY & TOMORROW (LIFTT)

1201 Grand Ave, Suite 1
Billings, MT 59101-4281
(406) 259-5181 Voice
(800) 669-6319 Toll Free
(406) 245-1225 TTY
<https://liftt.org/>

ABILITY MONTANA

825 Great Northern Blvd, Ste105 Helena, MT 59601-3340
(406) 442-5755 Voice/TTY
(800) 735-6457 Toll Free
<https://abilitymt.org/>

NORTH CENTRAL INDEPENDENT LIVING SERVICES (NCILS)

1120 25th Avenue NE
Black Eagle, MT 59414-1037
(406) 452-9834 Voice/TTY
(800) 823-6245 Toll Free
<https://ncils.org>

SUMMIT INDEPENDENT LIVING CENTER
700 SW Higgins, Suite 101
Missoula, MT 59803-1489
(406) 728-1630 Voice/TTY
(800) 398-9002 Toll Free
www.summitilc.org

What help does CAP offer?

CAP . . .

- Provides information about agencies and programs that help people with disabilities.
- Provides information about rehabilitation agencies and independent living programs and how to get services from them.
- Provides information about transition from high school to work.
- Helps to solve systems problems between rehabilitation agencies and their consumers.
- Provides information about working as a person with a disability and protections people with disabilities have in the workplace.
- Teaches people how to become their own advocate. This is one of CAP's most important services. To learn more about how to be an advocate for yourself, study the next chapter.

How can I get CAP help?

DRM's CAP generally works on *systemic problems* with Montana. This means we usually work on issues impacting more than one person, not advocating for a single individual. For individual problems, we provide information and resources for self-advocacy through this handbook and our website at disabilityrightsmt.org/work.

Do I have to pay for CAP services?

No. CAP services are free to the consumer. Sometimes the government may have to pay legal fees in certain types of litigation related to government services or employment discrimination. All CAP activities are conducted without regard to race, color, religion, sex, age, national origin, disability, or sexual orientation.

Be Your Own Advocate

Self-advocacy means speaking up for yourself. The best way to learn this skill is through practice. Because you know your needs best, you are the most effective person to advocate for yourself. Learning and using basic self-advocacy skills can help you succeed.

- Advocacy skills
- Define what you need.
- Know your rights and your responsibilities.
- Know the system and the procedures.
- Keep good records.
- Ask questions.

Why Self-Advocacy Matters

Self-advocacy is a lifelong skill. Every service program may operate differently, but the basic skills you need to navigate them are very similar. Once you learn how to advocate effectively, you can apply these skills to get the services and support you need in many different situations.

Know What You Need

There is a difference between what you *want* and what you

need. The first step in self-advocacy is knowing what you truly need. It can help to:

- Write a list of your needs.
- Learn what services the agency or program can offer.
- Set goals that are realistic for both your needs and the services available.

Know Your Rights

As a consumer, YOU HAVE THE RIGHT TO:

- Apply for services.
- Be treated with courtesy and respect.
- See your file and get a copy of it.
- Have your records kept confidential.
- Understand why your counselor makes decisions.
- Ask for a new counselor.
- Appeal any decision you do not agree with.
- Ask CAP for help.
- Ask questions.

When you are a *VR Client*, YOU ALSO HAVE THE RIGHT TO:

- Choose the job that is best for you.
- Get the help you need to get the job you want.
- Refuse to assign your “Ticket to Work” to VR.

Know Your Responsibilities

Responsibilities are things you must do. If responsibilities are not met, the agency may not be able to help you. For example:

You should be courteous to your counselor, just as you expect courtesy from them. You may disagree, but you are responsible for speaking politely.

Keeping appointments is an important responsibility. You and your counselor are a team, and meeting when scheduled allows progress.

If you cannot keep an appointment:

- Call ahead of time.
- Reschedule as soon as possible.

Missing appointments repeatedly can lead to your case being closed.

Other Responsibilities

You also have the responsibility to:

- Give honest information that explains your situation.
- Help your counselor understand the reasons behind your decisions.
- Follow through on what you say you will do.
- Follow your plan, even when it takes persistence.
- Make sure your needs are being met and understand why decisions are made.
- Ask questions if something is unclear.
- Provide necessary medical or other records that help explain your disability.

Keep Records

Keeping good records helps you remember what happened and can support you if there are disagreements. Records should be

written down and kept in a safe, organized place such as a notebook or file folder.

What Records Should You Keep?

Phone Calls:

- Write down the date, who you talked to, the phone number, and what was discussed.
- Keep notes about any agreements made.

Letters and Emails:

- Keep all letters and emails you receive from the rehabilitation agency.
- Keep copies of letters and emails you send.

Meetings:

- Write down the date of the meeting.
- Record decisions you and your counselor made.

Personal Records

- Keep copies of medical and psychological reports, work evaluations, transcripts, and other documents you provide to your counselor.
- Maintain your own records of your work history, skills, and education.

Store all records together in one place, organized in a way that is easy to find.

Other Helpful Self-Advocacy Skills

Strong self-advocacy includes the ability to:

- Be an active participant in decisions that affect you.
- Set realistic goals.
- Gather information about options and solutions.
- Be honest about your strengths, challenges, and available resources.
- Focus on the issue when communicating.
- Understand emotional reactions—yours and others’—and how they may affect decisions.

The Structure of the Montana Vocational Rehabilitation (VR)

Montana Vocational Rehabilitation Program

The Montana Vocational Rehabilitation (VR) Program is part of the Montana Department of Public Health and Human Services. Montana VR provides services to people with disabilities who, because of their disability, cannot work, return to work, or continue in the job they held previously.

Montana VR is an eligibility program, which means a VR counselor must determine and certify that you are eligible for services before any training or support services can begin. The program serves people with physical, mental, or emotional disabilities who apply for services and are found eligible.

Blind and Low Vision Services

Montana VR also includes a specialized program called Blind and Low Vision Services. This program provides services to people who are experiencing barriers to work, daily living, or other opportunities because of a visual disability or blindness.

You can reach Blind and Low Vision Services by calling any Montana VR office. If the office you contact does not have a Blind and Low Vision counselor on staff, the secretary will forward your message. A Blind and Low Vision counselor will return your call.

Montana VR and Blind & Low Vision Services Offices:

Headquarters:

111 N. Last Chance Gulch, Suite 4C
P.O. Box 4210 Helena, Montana 59604-4210
(406) 444-2590 voice/tty
(877) 296-1197 toll free
(406) 444-3632 Fax

Field offices (Includes Blind & Low Vision Services):

BILLINGS

2121 Rosebud Drive, Suite C Billings, MT 59102-6295
(406) 248-4801 *Voice*
(406) 652-6046 *TTY*
(406) 652-1781 *Fax*
(888) 279-7532 *Toll Free*

BOZEMAN

220 West Lamme Street, Ste. 1E Bozeman, MT 59715-3552
(406) 587-0601 *Voice*
(406) 587-7863 *Fax*
(877) 296-1759 *Toll Free*

BUTTE

700 Casey Street, Suite B Butte,
MT 59701-5286
(406) 496-4925 *Voice/TTY*
(406) 782-8728 *Fax*
(888) 279-7531 *Toll Free*

MISSOULA

2675 Palmer Street, Suite A Missoula, MT 59808-1741
(406) 329-5400 *Voice/TTY*
(406) 329-5420 *Fax*
(888) 279-7528 *Toll Free*

GREAT FALLS

201 1st Street South, Suite 2 Great Falls, MT 59405
(406) 454-6060 *Voice*
(406) 454-6084
Fax (406) 454-6080 *TTY*
(888) 279-7527 *Toll Free*

HAVRE

48 2nd Avenue, Suite 213
Havre, MT 59501-3555
(406) 265-6933 *Voice*
(406) 265-9271 *Fax*
(877) 296-1294 *Toll Free*

HELENA

111 N Last Chance Gulch, 3A Helena, MT 59620
(406) 444-1710 *Voice/TTY*
(406) 444-9659 *Fax*
(877) 296-1757 *Toll Free*

KALISPELL

121 Financial Drive, Suite B Kalispell, MT 59901-1616

(406) 300-7400 *Voice/TTY*

(406) 751-5944 *Fax*

(877) 296-1760 *Toll Free*

MILES CITY

114 North 7th Street

Miles City, MT 59301-3112

(406) 232-0583 *Voice/TTY*

(406) 232-0885 *Fax*

(877) 296-1198 *Toll Free*

The Steps to Rehabilitation

Introduction

The rehabilitation process includes a series of steps designed to help you prepare for, obtain, and keep a job that matches your abilities. Every person who works with Montana VR has unique strengths and challenges. The mission of Montana VR is to help you learn to live and work with your disability, make the most of your abilities, and achieve greater independence and participation in Montana's workforce.

For some people, this process may move quickly. For others, it may take more time. Your abilities, needs, disability, goals, and rehabilitation plan are unique to you and your rehabilitation journey will be unique as well.

VR counselor - Your Contact Person

VR counselors are the professionals who will assist you throughout your rehabilitation process. You can expect your

counselor to be skilled in understanding disabilities and how they relate to employment. Their job is to help you identify your strengths and challenges and understand how your disability may affect the kind of work you do or want to do.

Your VR counselor will also help you understand what steps you, your employer, or a future employer may need to take to accommodate your disability and support your success. Together, you and your counselor will match your current and future abilities, your interests, job requirements, and job opportunities to create an organized plan of services.

A successful relationship with your VR counselor is built on mutual understanding and trust. Respect your counselor's training and experience, but do not hesitate to disagree or ask questions if something is unclear. Open communication is an important part of the process.

Your Involvement in Your Rehabilitation Plan

Be sure to tell your VR counselor what you want your rehabilitation program to accomplish. This is *your* rehabilitation plan. Your VR counselor's role is to help create a program that fits your needs and goals and supports you in getting a job or returning to your previous employment. Because of this, your participation and input are essential.

You have the right to be actively involved in every part of the rehabilitation process. You should be offered real choices, and your counselor should listen to your preferences and consider them in relation to your current and future abilities. If you feel that your preferences are not being heard or that communication is not happening as it should, you have options and rights.

Your active involvement is necessary for your rehabilitation

plan to be successful.

Step 1: The Application Process

Appointment with VR Counselor

If you think you have a disability that prevents you from getting or keeping suitable employment, you may apply for vocational rehabilitation services. Call and make an appointment with your nearest VR office. A VR counselor will discuss eligibility requirements and the rehabilitation process with you. The VR counselor can help you with the application process once you decide to apply.

Information Needed by VR Counselor

Your VR counselor will need to learn as much as possible about your medical, educational, and work history, as well as your interests. If this is your first visit, bring any records or documents that might be helpful. This information gives the counselor a better understanding of your disability and helps determine what additional information, if any, is needed to decide your eligibility.

If your existing medical or psychological records already provide enough information about your disability, your counselor can determine eligibility without requiring any further evaluations or tests. All relevant existing information will be used, so it is important to provide any and all documentation that helps describe your disability. This may include:

- School records
- Medical records
- Psychological reports
- Work evaluations or other on-the-job records

If you are found eligible for services, you and your counselor will use this information to explore the services you need to reach your employment goal.

You will also be asked to complete a financial statement listing your income, assets, and expenses. This information helps determine the extent of your financial need. Not all VR services are provided free of charge. (See Step 4 for more information.)

Confidentiality of Records

Once you apply, your records are kept confidential. Information about you should be obtained and released only with your consent and only as it relates to your rehabilitation program.

State Residency Requirement

There is no requirement that you need to have lived in Montana for a certain period of time before you can apply or receive services.

When in Doubt, Fill out an Application

If you are told not to bother applying for VR services, if the counselor seems unsure whether you qualify, or if you are discouraged from applying even though you believe you may be eligible, there are important things to remember:

You must be given the opportunity to apply. *If you do not submit an application, you will not have the right to appeal a decision or challenge a denial of services.*

If you believe you need VR services, you should apply, even if

someone has discouraged you from doing so. Applying protects your rights and ensures you receive a fair eligibility review.

Applying for VR Services

To apply for VR services, all that is required is your signature and a short statement showing your intent to apply. Once you apply, Montana VR must make a formal eligibility decision based on your written application and written documentation of your disability.

If you have been discouraged from applying, you can request that VR put this information in writing. Remember, you can only appeal a decision after you receive a written denial.

Denial of VR Services

If your application is denied, your VR counselor should explain the appeals process to you. You must receive a written notice stating that you have been found ineligible for VR services.

Remember that an eligibility decision is based on a professional judgment. If you disagree with that judgment, you have the right to have that decision reviewed.

If you are determined ineligible, or if you disagree with any decision made in your case, you will need to know how to appeal. (See the section on [“Resolving Disputes with VR”](#) for more information on the appeals process.)

Step 2: Eligibility Determinations

Basic Requirements

To be eligible for Montana VR services, the following basic requirements must be met:

- You must have a physical or mental disability.
- Your disability must be a substantial impediment to employment, meaning it prevents you from working, returning to work, or keeping a job.
- You must need vocational rehabilitation services in order to become gainfully employed.

VR presumes that you can achieve gainful employment after receiving vocational rehabilitation services. In some cases, an extended evaluation period is needed to determine if a person can achieve gainful employment. Extended evaluation is discussed in more detail below.

If you meet these requirements, you will be found eligible for VR services. Additionally, if you receive Social Security disability benefits (SSI or SSDI), you are presumed eligible for VR services.

Additional Information

Once you have applied for services, your VR counselor will first review your existing records. If the counselor cannot determine your eligibility based on the documentation you provide, they may request that you complete a diagnostic evaluation to help make that determination.

The VR counselor will ask you to schedule an appointment with a doctor of your choice. This examination may involve specialists or psychologists and may be necessary to

understand your disability and its impact on employment. There is no cost to you for these evaluations.

In addition to medical or psychological assessments, your counselor may request a vocational evaluation. This type of evaluation helps identify your skills, abilities, capabilities, and interests. A vocational evaluation can help show the kinds of jobs you may be successful in and enjoy. It may include:

- Counseling
- Paper-and-pencil tests
- Work samples
- On-the-job evaluations
- Interviews with workers in different fields

These evaluations help ensure that your eligibility and service needs are determined accurately and that your rehabilitation plan is tailored to your strengths and goals.

Informed Choice

Montana VR must support individuals in using informed choice throughout the entire VR process. All services and activities must reflect the principles of:

- Respect for individual dignity
- Personal responsibility
- Self-determination
- Pursuit of meaningful careers based on informed choice

Informed choice applies to many parts of your rehabilitation plan, including:

- Your job goal

- The specific VR services you will receive
- Who provides those services
- How services are purchased
- Where services are provided

You should receive information about the providers available in your area and be encouraged to choose the provider that best meets your needs. If you are unsure who the providers are or what they offer, ask your VR counselor. They can share any information the agency has to help you make an informed decision.

Time Frame to Determine Eligibility

Once your VR counselor has enough information about your case, they will decide whether you are eligible for services. If an extended evaluation is not needed, your counselor must make an eligibility decision within 60 days of your initial application, unless you and your counselor mutually agree to extend the timeline.

If your counselor believes that your disability is so significant that you may not benefit from VR services, you must be given the opportunity to demonstrate whether you can work. In this situation, you should be offered an extended evaluation to determine your abilities and potential for employment.

Presumption of Benefits

The law establishes a presumption that an individual can benefit in terms of an employment outcome from VR service unless the VR agency can demonstrate by clear and convincing evidence the individual is incapable of benefitting from vocational rehabilitation services in terms of an employment outcome.

Montana VR has the responsibility to show by clear and convincing evidence that an applicant with a disability is *not* eligible for VR services. “Clear and convincing” is a high standard. To meet this standard, VR must demonstrate that no employment outcome is possible for that individual.

The bottom line is you are presumed able to work with appropriate vocational rehabilitation services unless VR can clearly establish that you cannot.

Ineligibility for VR Services

You may not qualify for VR services if you are already able to work at your current level of ability and your disability does not create a barrier to employment.

Ineligibility Determination

If you do not meet the eligibility criteria, and Montana VR can show by clear and convincing evidence that you would not benefit from VR services in achieving an employment outcome, you will be found ineligible for VR services.

If you are found ineligible:

You must receive a written denial notice from VR. This notice must explain your right to question or challenge VR’s decision through a process called a Fair Hearing. The notice must also describe how to request a Fair Hearing. The letter must include the reasons for the ineligibility decision and cite the specific regulations that support VR’s determination.

Order of Selection for VR Services

Federal law requires VR programs to serve people with the most significant disabilities first when there are not enough resources to serve everyone who is eligible. This system is called an Order of Selection.

Priority Levels in Montana's VR Program

Montana VR uses three priority categories:

Priority Category One: People with a Most Significant Disability (MSD)

Priority Category Two: People with a Significant Disability (SD)

Priority Category Three: People with a Non-Significant Disability (NSD)

How Priority Levels Are Assigned

When you apply for VR services, you will be interviewed. VR will decide:

- Whether you are eligible for services, and
- Which priority category you belong in.

What Happens Next

If VR is currently serving people in your priority category, you will receive services. If VR is not serving your priority category, you will be placed on a waiting list.

When funding becomes available, VR will serve people on the waiting list based on:

- Priority level, and
- Date of application

Definitions:

Individual with a Most Significant Disability:

A person with a significant disability who also has serious limitations in three or more areas of functioning, as defined by VR.

Individual with a Significant Disability:

A person who:

- Has a severe physical or mental impairment, and
- Has serious limits in one or more functional areas related to work (such as mobility, communication, self-care, work tolerance, or work skills), and
- Will need multiple VR services over a long period of time to achieve an employment outcome

See 34 C.F.R. § 361.5(c)(30).

VR's Responsibilities Under Order of Selection

When using Order of Selection, VR must:

- Apply it statewide, not just in certain areas.
- Notify all eligible individuals of:
 - The priority categories,
 - Which category they are placed in, and
 - Their right to appeal that decision.
- Continue to provide services to:
 - Anyone who had already started receiving VR services before the order of selection went into

- effect, regardless of disability severity.
- Students with disabilities who were already receiving pre-employment transition services.
- Individuals with an approved IPE who had already begun services.

See 34 C.F.R. § 361.36(e).

Factors VR May Not Use to Decide Priority or Eligibility

VR cannot base Order of Selection decisions on:

- How long you have lived in the state
- The type of disability you have
- Age, sex, race, color, or national origin
- Who referred you to VR
- The kind of job you want
- The cost of services you might need
- Your income or your family's income

See 34 C.F.R. § 361.36(d)(2).

Step 3: Writing your Individualized Plan for Employment (IPE)

After you are approved for services, you and your VR counselor will make a written plan together. This plan explains your job goal and how VR will help you reach it. This plan is called an Individual Plan for Employment (IPE). The IPE should be developed as soon as possible, but not later than a deadline of 90 days after the date of the determination of your eligibility.

Developing Your Written Plan

You can help make your written plan. You may work on it by yourself or with someone you trust. Your VR counselor can also help you. You can exercise informed choice in selecting your specific employment outcome, the job services to be provided under your plan, the entity that will provide the job services, and the methods used to purchase the services. The plan must follow state VR rules. Even if you write it on your own, your VR counselor must approve and sign it.

What Should Be Included In Your IPE

According to federal law, an IPE must include:

- A description of your chosen employment outcome that is consistent with your unique strengths, resources, priorities, abilities, interests, capabilities, and concerns.
- A description of your VR services that are needed to achieve your employment outcome.
- The timelines for the achievement of your chosen employment outcome and for the beginning of the services.
- A description of your chosen entity that will provide you with job services and the methods used to buy/obtain such services.
- A description of criteria to evaluate your progress in achieving your employment outcome.
- The terms and conditions of your IPE, including the responsibilities of VR, your responsibilities, and the responsibilities of any other entities that are involved in the IPE.
- If you need supported employment, a description of the extended services to be provided to you and the source of your extended services.

- ❑ If believed necessary, the projected need for post-employment services.
- ❑ If you have assigned your “Ticket” under the Ticket to Work and Self-Sufficiency Program to another employment network, a description of how responsibility for service delivery will be divided between VR and the other employment network.

Explanations Must Be in Your Language or Communication Method

Your written plan must be explained to you in your native language or in a way you can understand. This is so you can clearly know what you are responsible for and what your VR counselor is responsible for. It is important that you understand your plan completely. Always ask questions if anything is unclear.

If you are Deaf, hard of hearing, or have other communication needs, Montana VR must provide an interpreter or another communication method that works well for you. This is required so you can fully understand your plan and participate in the process.

Copy of Your Written Plan to Be Provided

When you and your VR counselor agree on your IPE, you will receive a copy of the plan. Keep your copy and review it often. It helps you understand what you are expected to do and what Montana VR will do to support you. It is important to note that you should not purchase any services or items not listed within your IPE, as VR will not reimburse you.

Changes in Your Written Plan Can Be Made Anytime

Under the law, you may change your written plan at any time. Stay in regular contact with your VR counselor and let them

know if you are having problems with your services, changes related to your disability, or any changes in your life. This includes both positive and negative changes that could affect your ability to take part in services.

Annual Updates of Your Plan Are Required

You and your VR counselor must review and update your written plan when needed, or at least once each year. This helps make sure your services stay current and continue to support your employment goal.

Signing Your Written Plan

You will sign your plan with any changes made to it. Only sign if you agree with the plan. Do not sign if you are not satisfied.

If there is a problem, your VR counselor or your trusted friend, family, or advocate can help. Both you and your counselor must sign the plan before services can start.

Step 4: Services Provided

Certain Services Provided Free

Some VR services are provided at no cost to you. These services include:

- Evaluations to understand your needs, including transportation for the evaluation
- Guidance and counseling
- Instructional services for people who are blind or visually impaired
- Job placement services

Certain Services Require Your Financial Contribution

Some VR services may require you to help pay part of the cost. If this applies, you will be asked to contribute only as much as you are able. VR may also look at other resources that could help pay for services. These can include health or medical insurance, educational grants, or other available benefits.

Examples of Services That May Be Available Through Your Written Program

- Vocational Counseling and Guidance
- Job counseling and guidance will be provided to you by your VR counselor, without charge, throughout your entire program.

Vocational Training

Many jobs require special training. This training may include classes at a trade or technical school, college, or university. Vocational or job training helps you learn the skills you need to reach your employment goal.

Before choosing a training program, you and your VR counselor should talk carefully about the type of work you want to do. You should also discuss your current abilities and what kind of training you can complete successfully now or in the future.

Choosing your work goal is one of the most important decisions you and your VR counselor will make. While you are in training, whether at a school or in an on-the-job training program, you are responsible for doing your best and staying in regular contact with your VR counselor to share your progress.

Work Adjustment Training

Starting a new job can be challenging. This may be especially true if you have never worked before, have not worked in a long time, or need to change the kind of work you do.

Work adjustment training is meant to help you get ready for work and feel more confident in your abilities. This training can help you learn what is expected at work, how to adjust to a new work setting, and how to succeed on the job.

Work adjustment training may include talking with your VR counselor about work behaviors or personal habits that could affect your success in a specific type of job. If you need this kind of support, your VR counselor may be able to provide or arrange work adjustment training.

Medical Services and Treatment

If needed, VR may provide medical, surgical, or mental health treatment to help reduce or remove barriers that make it harder for you to work.

Rehabilitation Technology Services

VR may help pay for assistive technology to support people with disabilities in getting and keeping a job. Assistive technology includes tools, devices, or equipment that help you work more independently or safely. In the law, the term rehabilitation technology is used. This term includes both assistive technology and what used to be called rehabilitation engineering.

Assistive Technology Devices

Assistive technology devices include any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities.

Assistive Technology Services

Assistive technology services help people with disabilities choose, get, and use tools or devices that support employment. These services are designed to help you work more independently and successfully.

Assistive technology services may include:

- Evaluations to understand your needs, including how you function in your usual environment, such as at home, school, or work.
- Buying, leasing, or providing assistive technology devices.
- Choosing, setting up, customizing, fixing, or replacing assistive technology devices so they work for you.
- Coordinating assistive technology with other services or treatments you already receive, such as education or rehabilitation plans.
- Training or technical support for you, and when appropriate, for your family members.
- Training or technical support for professionals, employers, or others who work with or support you on the job.

These services are meant to help remove barriers and support your success at work.

Inclusion in Your Written Program

These definitions are very broad. This means they may include many different devices and services. Some of these devices or services may be needed even before VR decides if you are eligible for services, to fairly evaluate your ability to benefit from VR.

Montana VR is responsible for looking at your assistive technology needs throughout the rehabilitation process. This includes when you apply for services and while your plan is being carried out. If assistive technology is needed, it should be included in your written plan.

If assistive technology applies to you, your IPE must clearly list the specific rehabilitation technology services you need to reach both your short-term and long-term employment goals.

Examples of Assistive Technology Devices & Services

Assistive technology devices and services can include many different supports. Examples include wheelchairs, hearing aids, artificial limbs, glasses, communication devices, and changes to your home or vehicle. Services may also include speech therapy, physical therapy, and services for people who are Deaf, hard of hearing, blind, or visually impaired.

Supported Employment

Supported employment means working in a regular job, alongside people without disabilities, and earning competitive pay. It is for people with significant disabilities who need extra support to get a job or keep a job.

Supported employment services may include:

- Assessments to understand your strengths and support needs

- Help preparing for work
- Help finding a job
- On-the-job training
- Ongoing support at the workplace, including periodic job coaching
- Support services such as transportation, guidance, help with daily work skills, and counseling for family members when needed.

Supported employment is considered a preferred option over segregated settings, such as sheltered workshops. The goal is to support people with disabilities in real jobs in the community. You may be eligible for supported employment if you have a significant disability and need intensive support or ongoing services to achieve and maintain employment.

Personal Assistance Services

Personal assistance services are important for many people with disabilities, especially those with significant disabilities who want to get or keep a competitive job.

Personal assistance services include help from one or more people with daily living tasks that you would usually do on your own if you did not have a disability. These services may be provided at work or outside of work. The goal is to help you stay independent, have more control over your life, and succeed in everyday activities, including employment.

If personal assistance services are right for you, your IPE should clearly list:

- The specific personal assistance services you will receive at work or related to work, and
- Any training you may need to manage, supervise, or direct the people who provide these services.

Transition Services from School to Work

Transition services help students move from high school into adult life. This may include going to work, attending college or other education programs, taking part in job training, or participating in other activities after high school.

Transition services are a group of coordinated supports designed to help a student reach life after school. These services focus on helping students prepare for:

- Work in the community, including supported employment
- College or other education and training programs
- Adult services
- Independent living
- Community participation

Transition services are based on each student's individual needs, interests, and choices. Services may include:

- Instruction and skill-building
- Community experiences
- Help preparing for employment
- Planning for adult living goals
- Learning daily living skills
- Vocational evaluations

The goal of transition services is to help students reach their long-term employment and independence goals. VR is responsible for working with schools to make sure students who need transition services can receive them. This includes coordinating with the school on the student's Individualized Education Program (IEP). Transition planning can start at any time, but it must begin no later than the IEP that is in place

when the student turns 16. Students and families are encouraged to invite VR staff to attend IEP transition meetings.

Maintenance

In some situations, based on financial need, VR may provide extra financial help. This assistance is meant to help cover additional costs related to training when those costs are not covered by other job services.

Additional Services

Depending on your situation, Montana VR may help pay for training-related costs. This can include items such as books, tools, supplies, licenses, or other materials you need to complete training or to use on the job. Other services may also be available based on your needs, including independent living services.

Step 5: Job Placement

After you complete the services needed to reach your employment goal, you should be ready to begin working. You and your VR counselor will make a plan to look for a job. This step is called job placement.

Your VR counselor, and others who help with job placement, can give you advice on how to:

- Fill out job applications
- Prepare for interviews
- Present yourself to employers

Your VR counselor may also have information about job openings or can help you find other places to look for jobs.

Finding the right job takes time and effort. Matching your skills and abilities to a job is something you and your VR counselor will work on together. Your VR counselor can help guide you, but you are responsible for being actively involved. The more effort you put into looking for a job, the better your chances of success.

Step 6: After You Start Working

Once you begin working, your VR counselor will check in with you and your new employer to make sure things are going well for both of you. After 90 days of successful employment, you and your VR counselor will talk about closing your VR case. At that time, you may want to ask your VR counselor about post-employment services that can help you keep your job or return to work if problems come up.

If you and your VR counselor agree that you no longer need VR services, your VR counselor will notify you in writing that your case is being closed. If your situation changes later, or if you are not able to keep your job because your disability changes or you develop a new disability, you may re-apply to Montana VR for services.

Your Responsibilities

Common Courtesies

It is your responsibility to keep your appointments and arrive on time. If you cannot attend an appointment or need to re-schedule, contact the VR office as soon as possible.

Even if there are no problems, you should stay in regular contact with your VR counselor. Let your counselor know

right away if there are changes in your situation, such as:

- A change of address or phone number
- Changes in your medical or financial situation
- Starting a new job

Even if you are unsure whether you will be able to keep a job, tell your VR counselor when you start working. Your VR counselor may be able to help you solve problems and keep your job.

IPE Planning and Follow Through

You are responsible for taking part in creating your IPE. The best way to make your plan work for you is to clearly tell your VR counselor what you want to achieve.

Listen carefully to your counselor, ask questions if something is unclear, and share your goals as fully as you can. If you think changes should be made to your plan, talk with your VR counselor and explain why.

If your signed IPE includes recommendations, it is your responsibility to follow them or to discuss them with your VR counselor before signing the plan. It is very important that you understand which parts of your IPE are requirements for continuing to receive Montana VR services.

Your IPE explains what you and your VR counselor agree to do. It is a binding agreement. If you do not agree with the plan or do not fully understand it, do not sign it. Take the time you need to understand your responsibilities, even if it takes longer.

Financial participation

Many people qualify for VR services at no cost. However, if

your income or assets are above a certain amount, VR may ask you to help pay for part of your employment plan based on what you are able to afford.

VR may also ask you to use similar benefits. Similar benefits are other sources of funding that may help pay for your services.

These may include:

- Supplemental Security Income (SSI)
- Social Security Disability Insurance (SSDI)
- Public assistance
- Medicaid or Medicare
- Private health insurance
- Educational grants or scholarships

You cannot be required to take out a loan to pay for VR services.

Your VR counselor will talk with you about these options and help you apply for other funding if needed.

Satisfactory performance

Whether you are in training or already working, it is your responsibility to do your best. If you are in an education or training program, your VR counselor will need to see your grades at the end of each term.

To continue receiving training services, you must meet the grade level you agreed on with your VR counselor. Staying engaged and meeting these expectations helps ensure your continued progress toward your employment goal.

VR and Comparable Benefits

As part of your IPE, you may be responsible for applying for and using comparable benefits when they are available.

Comparable services and benefits are services paid for, in whole or in part, by:

- Your health insurance, or
- Other local, state, or federal programs

These benefits can include:

- Accommodations
- Auxiliary aids and services
- Other supports related to your disability

VR's Role

VR must look at whether comparable services or benefits are available from another program. In many cases, VRBS may require you to use those benefits instead of VRBS funds.

When VR Does Not Require Comparable Benefits

VR does not have to require you to use comparable benefits if doing so would:

- Delay or interrupt your progress toward your employment goal in your IPE
- Put an immediate job opportunity at risk
- Create an extreme medical risk for you

When any of these situations apply, VR may provide services without requiring you to use comparable benefits first. *See* 34 C.F.R. § 361.53.

VR and Self-Employment

The goal of VR is to help eligible people with disabilities prepare for, get, and keep a job, and to increase their independence.

This can include:

- Wage employment, and
- Self-employment, limited to small, single-owner businesses

If you would like to explore self-employment, there are some important things to know.

Things to Know Before Exploring Self-Employment

- Exploring self-employment can be time-consuming and challenging.
- If you and your VR counselor agree to explore self-employment, there is no set timeline for how long the research and planning process will take.
- You and your VR counselor may decide that another employment option is a better fit than self-employment.
- VR cannot guarantee that a request for help paying for a business will be approved.

VR Self-Employment Policy: Key Points

If you pursue self-employment, VR requires the following:

- You must write a business plan, which must be reviewed and approved by the VR Self-Employment Team.

- VR can only support businesses that are owned by the person receiving VR services.
- VR may only pay for short-term, temporary employees if they are needed as a disability-related accommodation.
- VR does not give grants or loans to start a business.
- VR pays vendors directly for approved goods and services.
- Any equipment or assets VR buys belong to the State of Montana, not you or your business and may be reclaimed if you stop using them or close the business.
- VR will not reimburse you for money you spend or bills you incur for your business.

Businesses VR Will Not Support

The VR self-employment program does not support:

- Passive businesses where the owner does not actively participate
- Existing businesses
- Highly speculative businesses (for example, businesses needing an unapproved patent, cryptocurrency, or stock trading)
- Illegal or sexually explicit businesses
- Multi-level marketing or pyramid models
- Hobby businesses
- Businesses involving any part of the marijuana industry
- Non-profit organizations
- Any business the VR Director finds inconsistent with State values

Additional Limits

- VR will not help you purchase an existing business.
- VR will not purchase real property (land or buildings).
- VR will not pay for daily living expenses.

Self-Employment as Competitive Integrated Employment (CIE)

To qualify as Competitive Integrated Employment (CIE), a self-employment plan must show that your income would be comparable to what people without disabilities earn in similar jobs.

This means your expected income should be similar to what others earn when they:

- Do similar work,
- Have similar training, experience, and skills, and
- Work in similar conditions.

Important: You do not have to prove that you would earn minimum wage. That was the rule before WIOA and no longer applies. *See* 34 C.F.R. § 361.5(c)(9)(i)(C).

Showing Self-Employment Can Be a CIE Outcome

You can still meet the CIE standard even if:

- The business is not profitable right away, and
- You need VR support to cover start-up costs so the business can get going.

That is normal. Most businesses take time to become profitable. The expectation is not that your business makes high income immediately, unless that would be typical for that

type of work. If you can show that your income would become comparable once the business is established, and there are no issues with the integrated work setting, then self-employment can qualify as a CIE outcome that VR is allowed to support.

Preparing for a Hearing: Competitive Earnings

If you are worried that VR may challenge whether your self-employment meets the “competitive” part of CIE, it is helpful to come prepared with:

- ❑ Income comparisons, such as:
 - Average earnings for similar self-employed workers
 - Industry or labor market data
- ❑ Projected income, including:
 - How income may grow over time
 - When the business is expected to break even or become profitable
 - This helps show that your earnings would be comparable, even if they start lower.

Helpful Guidance Document

The Rehabilitation Services Administration (RSA) has additional guidance explaining CIE in more detail:

[RSA-FAQ-22-02.](#)

“Reasonable and Necessary” Services

Whether VR must pay for start-up costs is very fact-specific. You should be prepared to explain your situation clearly to the VR Self-Employment Team or Hearings Officer if you request an appeal of VR’s decision.

The key rule to remember:

VR is only required to pay for *services that are necessary* to achieve your employment goal.

This means:

- Showing something would be “helpful” or “nice” is not enough.
- You should focus on why a service or expense is *required* for you to reach your employment outcome.

Strong arguments may include showing that:

- Without start-up support, you cannot achieve your self-employment goal.
- You cannot get funding elsewhere.
- VR is in the best position to provide the support needed.

Comparable benefits and financial participation rules also still apply.

Your Rights

As a client or applicant of Montana VR, you have important rights throughout the VR process. These rights come from federal and state laws, including the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Montana Human Rights Act, and the U.S. Constitution.

Sources of legal rights for clients and applicants

The Branches of Government, Laws, and Regulations (rules)

The United States follows a federalist structure. That means

there a national (federal) government that makes and carries out laws that apply across the country and the country is divided into states that make their own laws. State laws can add to federal law, but cannot conflict with or provide less protection than federal law. VR services are covered by both state and federal laws.

At both the federal level and the state level, the Constitution is the overarching basic law that governs all other laws and establishes the system of government. The U.S. has a constitution, approved in 1788 and amended after that, and the state of Montana has its own constitution, approved in 1972 and amended after that.

The Legislative Branch makes the laws, the Executive Branch carries out and enforces the laws, and Courts (the judicial branch) interpret and resolve disputes about the law through court cases.

For example, Congress (the federal legislature) passed the tax code consistent with taxing authority granted by the Constitution; the IRS (an executive agency) carries out and enforces the tax code; and the U.S. Courts determine disputes about the application of the tax code in a particular case, including whether a taxpayer violated the law.

Montana has one federal district court, divided into “divisions” with courthouses in Missoula, Butte, Helena, Great Falls, and Billings. Regional U.S. Circuit Courts of Appeal review the decisions of the trial courts (district courts). Montana is covered by the 9th Circuit Court of Appeal. The United States Supreme Court reviews the decisions of the Courts of Appeal, but only for certain cases when the Supreme Court allows an appeal.

Below are some specific federal and state law laws and rules that apply to Montana Vocational Rehabilitation and Blind

Services:

United States Code (U.S.C.)

Congress (the U.S. Senate and the House of Representatives) is the federal legislature and makes the laws, called “statutes” once they are approved by the President and organized by topic in a collection of books called the United States Code. The U.S.C. is also available online at <https://www.law.cornell.edu/uscode/text>.

[Title 29, Chapter 16](#) of the U.S.C. covers Vocational Rehabilitation Services.

Code of Federal Regulations (C.F.R.)

Federal regulations are rules that the executive branch of the federal government creates to provide details about how federal laws are carried out. The United States Department of Education administers the Vocational Rehabilitation system at the federal level and develops the related regulations.

[Title 34, Part 361](#) of the C.F.R. contains the federal regulations related to State Vocational Rehabilitation Services Programs.

Montana Code Annotated (MCA)

MCA is the collection of statutes (laws) passed by the Montana Legislature and approved by the Governor. [MCA Title 53, Chapter 7](#) contains the Montana state statutes on vocational rehabilitation. These apply in addition to the federal laws.

Administrative Rules of Montana (ARM)

The Montana Department of Public Health and Human Services makes the state rules (also called “regulations”) about Montana’s VR program. Those rules are in [Title 37, Chapter 30](#) of the Administrative Rules of Montana. These apply in addition to the federal regulations.

Non-Discrimination

VR provides services without discrimination. This means services are offered equally, without regard to race, color, creed, sex, age, national origin, marital status, religion, or disability.

Presumption of Ability to Benefit

The law assumes that you are able to benefit from VR services in reaching your employment goal. If VR decides that you are not eligible because your disability is too severe or not severe enough, the agency must prove that decision.

Quality of Services and Choice

VR is responsible for providing high-quality services. Your feedback is important. Your comments, suggestions, and concerns help improve services for everyone.

You also have the right to meaningful choice. This means you should be offered real options when decisions are made about your training, services, and job placement.

Confidentiality

Information you share with VR, or that is shared by professionals who evaluate you, can only be used for your rehabilitation. Your VR counselor cannot share your personal information without your written permission, unless allowed by law.

Information may be shared without your written permission in limited situations, including:

- Within the VR program
- During case file reviews to ensure quality services
- With auditors

- When required for public safety

Your VR counselor will give you a handout that explains these exceptions in more detail.

Your Case File

In general, you have the right to see the information in your VR case file after signing a release of information form. In some cases, certain medical or psychological reports may not be released directly to you if the provider recommends otherwise.

If this happens, you have the right to have the information shared with someone you choose, such as:

- A psychologist or doctor
- A family member or guardian
- An advocate

That person can then help explain the information to you. Access to records is also governed by the Montana Health Care Information Act.

If you want to review your records, make a request to your VR counselor or contact the person who wrote the report.

Addressing Communication Barriers

What If I Am Having Communication Problems with My VR Counselor?

Good communication with your Vocational Rehabilitation and Blind Services (VRBS) counselor is important. If you are having trouble communicating or disagreeing about services, the following tips may help.

Tips for Improving Communication with Your VR Counselor

Set up a meeting.

Ask for a meeting with your VR counselor to talk respectfully about your concerns, share your perspective, and discuss possible solutions together. It can help to write down a list of topics or questions ahead of time so the conversation stays focused.

Try written communication.

If phone calls or in-person meetings are difficult for you, consider communicating by email or letter. Writing can give you time to clearly explain:

- Your concerns
- Where you are coming from
- What outcome you are hoping for

Before writing, think about what you want to achieve and keep your message professional and respectful.

Use helpful communication strategies.

Many disagreements can be resolved through conversation. These tools may help:

- Stay calm:** Take a moment to breathe if emotions feel high.
- Listen actively:** Give your counselor a chance to speak without interrupting.
- Use “I” statements:** Share your experience instead of blaming (for example, “I am concerned about...”).
- Be respectful:** Acknowledge your counselor’s

perspective, even if you disagree.

- ❑ **Take breaks:** If the conversation becomes too heated, pause and return to it later.
- ❑ **Find common ground:** Start with areas where you and your counselor agree.
- ❑ **Look for solutions:** Be open to compromise and brainstorming options that work for both of you.
- ❑ **Talk about next steps:** Make a plan for follow-up and how communication will continue.

Ask for help communicating

The “effective communications” requirement in Title II of the ADA requires state agencies, like VR, to “... take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.” It is the public entity’s responsibility to “furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities...an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. You can read the “effective communication” requirements in the ADA regulations at [28 C.F.R. § 35.160](#).

If you need help understanding or communicating with VR, you should ask for what you need, for example if you need information in large text or in an electronic format so you can listen to it with a screen reader. It is better that you make these requests in writing, like an email. Make sure you keep a copy of any requests you make for your records.

Resolving Disputes with VR

If you are unable to resolve concerns with your VR counselor, you have the right to request a different counselor. If VR

denies services or items, you also have the right to request:

- Conciliation
- Appeal
- Mediation
- Fair Hearing

Complaints about discrimination in the VR system can be filed with the [Montana Human Rights Bureau](#), the U.S. Department of Education's [Office of Civil Rights](#), or through the appeal process described in the next section. *See* the section on [Discrimination Complaints](#) below.

Administrative Process to Appeal VR's Decisions

You have the right to appeal (have reviewed) any negative (adverse) decision made by VR, whether you are an applicant (applying for services) or a client (who already was accepted for services). Disputes about adverse actions can be handled informally (i.e. without an administrative law judge involved) or through a formal hearing process involving an administrative law judge. These processes are described below.

An adverse decision may include decisions about:

- Eligibility for services
- Closing your case
- The type of services you receive or how they are provided

An appeal is a request to have a VR decision reviewed again. Sometimes VR counselors must make difficult decisions, but if you believe a decision was made without all the important information, was unfair, or does not follow VR laws or rules, you have the right to ask for an appeal. There are several steps in the appeals process.

Informal approaches

Conciliation

If you disagree with a decision made by your VR counselor, you may ask for conciliation. Conciliation is an informal way to try to resolve a problem before a negative (adverse) decision is made.

Conciliation gives you the chance to meet and talk about your concerns. The meeting may include:

You

- Your VR counselor
- A representative or advocate
- A VR supervisor

The goal of conciliation is to talk through the issue and reach an agreement without using the formal appeals process.

If an agreement is not reached within 10 working days after you request conciliation, VR will send you a written notice of an adverse action. At that point, you would need to file a formal appeal request, described in below.

Conciliation is usually done through conversation rather than written documents. Many misunderstandings can be resolved by talking things through. VR counselors may invite another staff person to join the meeting to provide a fresh perspective. Conciliation often helps resolve problems more quickly and informally.

Formal Approaches

Appeal

You may choose to ask VR to make an immediate adverse decision. You have the right to formally appeal an adverse decision.

A formal appeal begins when you or your representative submits a written request for an impartial hearing, also called a Fair Hearing. This request must be sent to the Montana DPHHS Office of Administrative Hearings. Information on how, where, and when to file an appeal should be on the bottom of the adverse action notice you receive from VR. **It is important to follow these timelines and processes.**

Your appeal will be considered on time if the Office of Administrative Hearings **receives your request within 45 days of the adverse decision.** In most cases, the state must complete the Fair Hearing within 60 days from the date your request is received, unless both you and Montana VR agree to a delay. *See* 34 C.F.R. § 361.57(e).

One option is to request a fair hearing by mail to the Office of Administrative Hearings at P.O. Box 202922 Helena, MT 59620. You can reach the office by phone at (406) 444-2470 if you have questions about the process, but they cannot give you legal advice. Another option is to request a fair hearing by sending an email to the Office of Administrative Hearings.

Below is a template you can use to request a fair hearing. Replace the text in between the brackets [] with your own information:

[insert today's date]

State Of Montana
Department Of Public Health and Human Services
Office of Administrative Hearings
Email: hhsofh@mt.gov
Subject: Request for Fair Hearing for Denial of Vocational Rehabilitation Services/Items

Name: [insert your legal name], [insert case number if you have one]

I am requesting a hearing because I disagree with the Vocational Rehabilitation and Blind Services' decision denying item(s) related to my individualized plan for employment or eligibility for services. [Specify what you believe VR did wrong if you can.]

Please contact me immediately to arrange for a fair hearing. You can reach me at [insert email]; [insert phone]; [insert address — make sure to list a mailing address where you regularly can receive mail]. [Add any accommodations you need in the process, for example “please contact me through a remote video sign language interpreter”].

Thank you,

[your name]

Appeal Process: What to Expect

Preparing for an Appeal and Fair Hearing

You may prepare your own presentation for a Fair Hearing. You may also request assistance from any private or public advocacy organization. Many people choose to have help during the formal appeal process.

Appeal Timeline

The appeal process follows a 45-day deadline. Within that 45-day period, the following will occur:

- A less formal Administrative Review (unless you request to waive it), and
- A Fair Hearing, if the matter is not resolved during the review.

Administrative Review

After you submit a request for an appeal, the Impartial Hearings Officer will order VR to conduct an Administrative Review, unless you specifically request that it be waived. If you do not waive the Administrative Review, VR must conduct it. The review is guided by a VR staff member who is not directly involved in your case. The purpose of the administrative review is to help both you and your VR counselor organize each party's arguments and evidence and prepare for the Fair Hearing and give another opportunity to resolve the dispute before hearing. You, your counselor, and any representative you have will be assisted in preparing for the hearing.

Many Administrative Reviews result in a settlement, which

ends the appeal. If a settlement is not reached, the appeal proceeds to a Fair Hearing.

Mediation

After you appeal a decision, you also have the option to try mediation. Mediation is voluntary. You do not have to participate if you do not want to. Mediation is led by a qualified, neutral mediator who is trained in mediation. VR pays for the cost of the mediation process.

If you and VR reach an agreement, it will be put in writing as a mediation agreement. Anything discussed during mediation is confidential. What is said in mediation cannot be used as evidence in a later fair hearing, or any civil court case.

Mediation can be a way to resolve disputes without going through a formal hearing, but choosing mediation does not take away your right to continue with the appeal process if no agreement is reached.

Fair Hearing

If the issue is not resolved through the Administrative Review or mediation (or if the review or mediation are waived), a Fair Hearing will be scheduled. Fair Hearings may be conducted by phone, or in-person. If you prefer an in-person hearing, you must request it. The impartial Hearings Officer, upon receipt of the notice of appeal, shall set the date, time, and place for the impartial hearing and give notice of same in writing to all parties. Fair hearings are often scheduled on Zoom or other videoconference platform.

Any interactions with the hearing officer, including the hearing, are usually recorded. You must be respectful in your actions with the hearing officer, VR staff, and any attorneys

involved.

Preparing for a Fair Hearing

You or your representative has the right to:

- Share more information with the Hearings Officer, including documents, records, and witnesses.
- Have a lawyer or another advocate represent you.
- Review and question any witnesses and other important information or evidence used in the hearing.

Decision Timeline

The Fair Hearings Officer must issue a written decision within 30 days after the hearing. The decision will be provided to you and VR.

Judicial Review

If you disagree with the final decision of the Hearings Officer, you may ask a court to review that decision. To do this, you must file a petition in court.

The petition must be filed within 30 days after you receive the final decision.

Protection of Individualized Plan for Employment (IPE)

VR shall not institute a suspension, reduction, or termination of services being provided under your IPE pending a final determination of the administrative review or the formal hearing.

Discrimination Complaints

In addition to the appeal options described above, you may file a discrimination complaint if you believe a decision was made for an unlawful or discriminatory reason, including discrimination based on:

- Sex
- Race
- Color
- Age
- Religion
- Marital status
- Political beliefs
- Disability

Where to File a Discrimination Complaint

You may file a complaint with the Montana Human Rights Bureau:

Montana Human Rights Bureau
P.O. Box 1728
Helena, MT 59624-1728
Phone: (406) 444-2884
Toll-Free: (800) 542-0807

You may also file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR):

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100
OCR@ed.gov
Toll-Free Phone: 800-421-3481

Time Limit:

In most cases, a discrimination complaint must be filed within 180 days of the discriminatory action.

Conclusion

If you have questions about the application or eligibility process with VR, you are encouraged to contact your VR counselor, or the nearest VR office. A list of VR offices and phone numbers can be found at the beginning of this handbook.

Helpful Employment and Benefits Resources

- ABLE National Resource Center:
<https://www.ablenrc.org/>
- American Indian Vocational Rehabilitation Training and Technical Assistance Center (AIVRTTAC): <https://aivrttac.org/>
- Employer Assistance and Resource Network on Disability (EARN): <https://askearn.org/>
- Job Accommodation Network: <https://askjan.org/>
- Job Service Center: <https://montanaworks.gov/job-service-montana/#js-locations>
- Montana ABLE: <https://savewithable.com/mt/home.html>
- Montana DPHHS: <https://apply.mt.gov/>
- Montana Human Rights Bureau: <https://erd.dli.mt.gov/human-rights/>
- Montana Lawyer Referral Service Employment Law: <http://205.209.45.153/iabar/AttorneyOnLineMontana.nsf/results?ReadForm&c1=&a=Employment%20Law>

- ❑ Montana Rural Employment Opportunities: <https://reomontana.org/>
- ❑ Montana Trial Lawyers Association for employment attorney referrals: <https://www.monttla.com/>
- ❑ Montana Women's Business Center: <https://prosperamt.org/programs/mt-womens-business-center>
- ❑ MonTECH: <https://montech.ruralinstitute.umt.edu/>
- ❑ Native Women Launch: <https://www.acceleratemt.com/nativewomenlaunch>
- ❑ Rocky Mountain ADA Center: <https://rockymountainada.org/>
- ❑ Rocky Mountain Women's Business Center: <https://www.acceleratemt.com/rmwbc>
- ❑ Rural Institute Transition & Employment Projects: <https://transition.ruralinstitute.umt.edu/>
- ❑ Small Business Development Center: <https://commerce.mt.gov/Business/Programs-and-Services/Small-Business-Development-Center/>
- ❑ The Harkin Institute: <https://harkininstitute.drake.edu/resources/>
- ❑ U.S. Bureau of Labor Statistics: <https://www.bls.gov/>
- ❑ U.S. Department of Justice: https://www.justice.gov/guidance?search_api_fulltext=employment
- ❑ Wage and Hour Division of U.S. Department of Labor: <https://www.dol.gov/agencies/whd>
- ❑ Work Incentives Planning and Assistance National Training and Data Center: <https://vcu-ntdc.org/>
- ❑ Work Incentives Planning and Assistance Project (WIPA): <https://www.msubillings.edu/socialsecurity/>

Thank you for taking the time to read this handbook. We hope you find the information helpful. You may want to use this booklet to write down the name and phone number of your VR

counselor and keep it for future reference.

VR Counselor's Name: _____

VR Counselor's Phone Number: _____

Disability Rights Montana protects and advocates for the human, legal and civil rights of Montanans with disabilities while advancing dignity, equality, and self-determination.

Disability Rights Montana Client Assistance Program

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