

**WAC 388-891A-0010 What definitions apply to this chapter?** The following definitions apply to this chapter:

(1) **"Comparable services and benefits"** means services and benefits, including accommodations and auxiliary aids and services, that are:

(a) Provided for, in whole or in part, by other federal, state, or local public agencies, health insurance, or employee benefits;

(b) Available to you when you need them to ensure your progress toward achieving the desired employment outcome in your individualized plan for employment (IPE); and

(c) Substantially similar to the services that you would otherwise receive from DVR.

(2) **"Competitive integrated employment"** means:

(a) Part-time or full-time work:

(i) that is performed in an integrated setting;

(ii) for which you are paid at or above the highest applicable minimum wage of those specified in 29 U.S.C. Sec. 206 (a)(1), RCW 49.46.020, or local minimum wage laws; and

(iii) Work for which you earn the same wages and benefits as other employees without disabilities in similar occupations or performing similar tasks, who have similar training, experience, and skills; or

(b) Self-employment that yields income comparable to that received by other individuals without disabilities who are self-employed in a similar occupation or performing similar tasks, who have similar training, experience, and skills.

(3) **"Division of vocational rehabilitation (DVR)"** means the division primarily concerned with the vocational rehabilitation of individuals with disabilities and responsible for the administration of the vocational rehabilitation program of the department of social and health services (DSHS).

(4) **"Employment outcome"** means competitive integrated employment, supported employment, self-employment, telecommuting, business ownership, or any other type of employment compensated at a competitive wage in an integrated setting that is consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(5) **"Extended employment"** means work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with section 14(c) of the Fair Labor Standards Act.

(6) **"Extreme medical risk"** means the probability of substantially increasing your functional impairment or death if medical services, including mental health services, are not provided quickly.

(7) **"Family member"** means a person who:

(a) Is your relative or legal guardian; or

(b) Lives in the same household as you and has a substantial interest in your well-being.

(8) **"Individual with a disability"** means an individual:

(a) Who has a physical or mental impairment;

(b) Whose impairment results in a substantial impediment to employment; and

(c) Who can benefit in terms of an employment outcome as a result of receiving VR services.

(9) **"Individual with a most significant disability"** means an individual with a significant disability who has a severe physical or mental impairment resulting in serious functional limitations in four or more areas (such as mobility, communication, self-care, self-direc-

tion, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome.

(10) **"Individual with a significant disability"** means an individual with a disability:

(a) Who has a severe physical or mental impairment resulting in serious functional limitations in one or more areas (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

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

(11) **"Individualized Plan for Employment (IPE)"** means the written plan, approved by your DVR counselor, described in WAC 388-891A-0915 through 388-891A-0951.

(12) **"Integrated setting"** means one of the following:

(a) The setting in which you receive a VR service is integrated if it is a setting commonly found in the community (such as a store, office, or school) where you come into contact with people without disabilities while you are receiving the service. The people without disabilities who you come into contact with are not the same people providing VR services to you.

(b) The setting in which you work is integrated if it is a setting commonly found in the community where both your immediate co-workers and the public with which you interact include people without disabilities. The amount of contact you have with people without disabilities is the same that a person without disabilities in the same type of job would experience.

(13) **"Most recent tax year"** means the most recent calendar year for which you:

(a) Filed or were required to file an income tax return with the United States Internal Revenue Service (IRS); or

(b) Were claimed as a dependent on an income tax return with the United States IRS.

(14) **"Physical or mental impairment"** means:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(b) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(15) **"Representative"** means any person chosen by an applicant or eligible individual, including a parent, family member, or advocate, unless a representative has been appointed by a court to represent the

individual, in which case the court-appointed representative is the individual's representative.

(16) **"Student with a disability"** means an individual with a disability who is:

(a) Currently enrolled in a secondary, postsecondary, or other recognized educational program;

(b) Not younger than fourteen years of age and not older than the maximum age established for the receipt of services under part B of the Individuals with Disabilities Education Act (IDEA) in the state of Washington, as described in WAC 392-172A-02000; and

(c) Receiving special education or related services under part B of IDEA or is a student with a disability for the purposes of section 504 of the Rehabilitation Act of 1973, as amended.

(17) **"Substantial impediment to employment"** means the limitations or barriers you experience as a result of a physical or mental impairment that hinder your ability to prepare for, secure, maintain, advance in, or regain employment that matches your abilities and capabilities.

(18) **"Vocational rehabilitation (VR) services"** means those services described in WAC 388-891A-0700 through 388-891A-0890.

(19) **"Youth with a disability"** means an individual with a disability who is not younger than fourteen years of age and not older than twenty-four years of age.

[Statutory Authority: RCW 74.29.020(8) and 34 C.F.R., Parts 361, 363, 397. WSR 18-12-035, § 388-891A-0010, filed 5/29/18, effective 6/30/18.]