

WAC 388-891A-0100 What personal information about me does DVR keep on file? DVR keeps information regarding your eligibility and the services that you have received as required by federal and state laws and regulations. The kind of information that DVR keeps on file depends on your case status as follows:

(1) For an applicant or individual who has been determined eligible for services, the record of services that you have received from DVR is called the case service record. The case service record includes a narrative as well as information including, but not limited to:

- (a) The DVR application form or written request for VR services;
- (b) Documentation explaining the need for the trial work experience(s), if conducted, and the written plan for conducting the trial work experience(s), and documentation of progress reviews;
- (c) Documentation and records that support the determination of eligibility or ineligibility;
- (d) Documentation supporting the severity of disability and priority of service category determination;
- (e) Financial statement and supporting documentation as required;
- (f) Plan for employment, amendments to the plan, if amended, and information supporting the decisions documented on the plan;
- (g) Documentation describing how you used informed choice to make decisions throughout the process, including assessment services, selection of an employment outcome, VR services, service provider, type of setting, and how to get VR services;
- (h) If VR services are provided in a setting that is not integrated, documentation of the reason(s) for using a nonintegrated setting;
- (i) If you achieve a competitive integrated employment outcome, documentation to show:
 - (i) Your wages and benefits, including wages and benefits earned up to one year after closure;
 - (ii) That the job you have is:
 - (A) Described in your plan for employment;
 - (B) Consistent with your unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
 - (C) Paid at a competitive rate in an integrated setting;
 - (iii) That the services provided to you in your plan for employment helped you achieve the employment outcome identified on your individual plan for employment;
 - (iv) That you have been employed for at least ninety days and that you no longer need vocational rehabilitation services;
 - (v) That you and your DVR counselor agree that your employment is satisfactory and that you are performing well; and
 - (vi) That you have been informed, through appropriate modes of communication about the availability of post-employment services;
- (j) If DVR refers you to another state or federal program for services to prepare for, secure, maintain, advance in, or regain employment, documentation of the referral, the reason(s) for the referral, and the name of the program(s) to which you are referred;
- (k) Documentation of case closure, including:
 - (i) Reasons for closing the case service record;
 - (ii) How you were involved in the decision to close the case; and
 - (iii) A copy of the closure letter that explains the reason(s) for case closure and your rights if you disagree with the decision;
- (l) Documentation of the results of mediation or fair hearings, if held;

(m) Documentation of semi-annual and annual reviews after your case service record is closed as outlined in WAC 388-891A-1330 if:

(i) You choose extended employment in a nonintegrated setting;

(ii) You achieve a supported employment outcome in an integrated setting for which you are paid in accordance with section 14(c) of the Fair Labor Standards Act; or

(iii) DVR determines you are ineligible because you are too severely disabled to benefit from VR services; and

(n) Other documentation that relates to your participation in VR services, including your progress throughout the VR process.

(2) For students with disabilities who are potentially eligible for services, the record:

(a) Includes personal and demographic information about you;

(b) Documents any consent from a parent or guardian required for you to participate in pre-employment transition services;

(c) Documents participation in pre-employment transition services before you apply for VR services; and

(d) May be transferred into your case service record upon application.

(3) For individuals who are either seeking employment in or employed in a job that pays below the federal minimum wage, the record documents the receipt of career counseling and information and referral services.

[Statutory Authority: RCW 74.29.020(8) and 34 C.F.R., Parts 361, 363, 397. WSR 18-12-035, § 388-891A-0100, filed 5/29/18, effective 6/30/18.]