

CHAPTER 45**DIVISION OF VOCATIONAL
REHABILITATION SERVICES****Authority**

N.J.S.A. 34:1-20, 34:1A-3(e) and 34:16-20 et seq.;
and 34 CFR 361.1 et seq.

Source and Effective Date

R.2009 d.317, effective October 19, 2009.
See: 41 N.J.R. 2075(a), 41 N.J.R. 3937(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 45, Division of Vocational Rehabilitation Services, expires on October 19, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 45, Legal Authority, was adopted prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 45, Legal Authority, was readopted as R.1983 d.82, effective May 2, 1983. See: 14 N.J.R. 1438(b), 15 N.J.R. 693(a).

Pursuant to Executive Order No. 66(1978), Chapter 45, Legal Authority, was readopted as R.1988 d.235, effective May 2, 1988. See: 20 N.J.R. 620(a), 20 N.J.R. 1230(a). Subchapter 2, Transportation for Employees of Sheltered Workshops, was adopted as R.1989 d.305, effective June 5, 1989. See: 21 N.J.R. 690(a), 21 N.J.R. 1576(b). Subchapter 3, Vehicle Modification Requirements, was adopted as R.1989 d.564, effective November 6, 1989. See: 21 N.J.R. 2213(b), 21 N.J.R. 3535(b). Chapter 45, Legal Authority, was renamed Division of Vocational Rehabilitation Services by R.1991 d.189, effective April 15, 1991. See: 22 N.J.R. 1045(c), 23 N.J.R. 1133(c). Subchapter 1, formerly General Provisions, was repealed and replaced with new rules, Procedures and Standards, by R.1991 d.189.

Pursuant to Executive Order No. 66(1978), Chapter 45 was to expire on May 2, 1993. On April 23, 1993, Governor Florio waived the expiration date from May 2, 1993 to and including December 31, 1993. See: 25 N.J.R. 2216(b).

Pursuant to Executive Order No. 66(1978), Chapter 45, Division of Vocational Rehabilitation Services, was readopted as R.1994 d.52 and Subchapter 3, Vehicle Modification Requirements, was repealed, effective December 29, 1993. See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

Pursuant to Executive Order No. 66(1978), Chapter 45, Division of Vocational Rehabilitation Services, was readopted as R.1998 d.573, effective November 12, 1998. See: 30 N.J.R. 3367(a), 30 N.J.R. 4240(a).

Chapter 45, Division of Vocational Rehabilitation Services, was readopted as R.2004 d.93, effective February 4, 2004. See: 35 N.J.R. 4442(a), 36 N.J.R. 1195(a).

Chapter 45, Division of Vocational Rehabilitation Services, expired on February 4, 2009 and was adopted as new rules by R.2009 d.317, effective October 19, 2009. See: Source and Effective Date. See, also, section annotations.

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APPENDIX A. TRANSPORTATION SURVEY**SUBCHAPTER 3. (RESERVED)****SUBCHAPTER 1. PROCEDURES AND STANDARDS****12:45-1.1 Purpose and scope**

(a) The purpose of this subchapter is to set forth the procedures, standards and criteria used by the Division of Vocational Rehabilitation Services to rehabilitate individuals with disabilities.

(b) This subchapter applies to every individual who is seeking vocational rehabilitation services through the Division of Vocational Rehabilitation Services.

(c) Nothing in this subchapter shall be inconsistent with Federal law and regulations for the basic vocational rehabilitation services program and the Division of Vocational Rehabilitation Services shall comply with such requirements codified at 29 U.S.C. §§ 701-744 and its implementing regulations at 34 C.F.R. 361 et seq.

Amended by R.1994 d.52, effective February 7, 1994.

See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

Amended by R.1997 d.466, effective November 3, 1997.

See: 29 N.J.R. 3696(a), 29 N.J.R. 4695(a).

Added (c).

12:45-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the Rehabilitation Act, 29 U.S.C. §§ 701 et seq., as amended by the Rehabilitation Act Amendments of 1998.

“Appropriate modes of communication” means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

“Assessment for determining eligibility and vocational rehabilitation needs” means, as appropriate in each case:

1. A review of existing data:
 - i. To determine whether an individual is eligible for vocational rehabilitation services; and
 - ii. To assign the priority described in the order of selection found at N.J.A.C. 12:45-1.8;
2. To the extent additional data is necessary to make the determination and assignment in 1 above, a preliminary assessment of such data (including the provision of goods and services during such assessment);
3. To the extent additional data is necessary, a comprehensive assessment (including the administration of the assessment) of the unique strengths, resources, priorities, interests and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature and scope of vocational rehabilitation services to be included in the individualized plan for employment (IPE) of the individual, which comprehensive assessment:
 - i. Is limited to the information that is necessary to identify the rehabilitation needs of the individual and to develop the IPE of the individual;
 - ii. Uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements;
 - (1) Existing information; and
 - (2) Such information as can be provided by the individual and, where appropriate, by the family of the individual.
 - iii. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational and environmental factors, that affect the employment and rehabilitation needs of the individual; and
 - iv. May include an appraisal of the patterns of work behavior of the individual and services needed for the

individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

4. Referral for the provision of rehabilitation technology services to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment; and

5. An exploration of the individual’s abilities, capabilities, and capacity to perform in work situations, which shall be assessed periodically during trial work experiences in which the individual is provided appropriate supports and training.

“Assistive technology device” means 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 an individual with a disability.

“Assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

1. The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his or her customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and
6. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability.

“Civil Union” means the legally recognized union of two eligible individuals of the same sex established pursuant to N.J.S.A. 37:1-28 et seq.