

YOUR RIGHTS

**Vocational Rehabilitation
and Independent Living
Programs**

**Department of Assistive and Rehabilitative Services
Division for Blind Services**



For more information
DARS Inquiries

1.800.628.5115 (V/TTY)
www.dars.state.tx.us

The Division for Blind Services (DBS) administers the Vocational Rehabilitation Program under the authority of the Rehabilitation Act of 1973, as amended, and the Texas Human Resources Code, Title 40, Chapter 91. This booklet is also available in CD and braille.

Information provided below will help you reach your counselor or Field Director in your area.

Your counselor's name, address and phone number:

To reach the Field Director in your area, you may call or write:

**Welcome to the
Department of Assistive and
Rehabilitative Services (DARS)
Division for Blind Services (DBS)**

This booklet contains some important information about your rights once you have applied for Vocational Rehabilitation or Independent Living services. We encourage you to read this information carefully, keep it handy for future use, and visit with your vocational rehabilitation counselor or independent living worker about any questions you may have.

Applying for Services

Applications are available in every DBS office for people interested in receiving services. Assistance in completing the



form is also available. The information on the form and other personal information you may be asked to provide during application will be used to determine your eligibility for DBS services. Providing personal information is voluntary on your part. Without adequate information, however, your eligibility may be difficult to determine.

Determining Eligibility

A counselor or IL worker in your area is responsible for determining whether the information you have provided about yourself meets federal and state eligibility guidelines. Your vision and how your visual loss affects your ability to work or prepare for work

are the primary determining factors for receiving vocational rehabilitation services. To receive independent living services your vision and how your visual loss is limiting your ability to function independently in the family or community are primary considerations. Your counselor or IL worker will be happy to answer all your questions about eligibility during your visits.

An eligibility determination is normally made within 60 days unless you or your representative agree to an extension. Sometimes it is necessary to conduct an extended evaluation or a trial work period before eligibility for vocational rehabilitation services can be determined. If this is necessary, your counselor will explain how this is done.



Notice of Eligibility

Once you and your counselor or IL worker complete all the necessary steps to assess your eligibility, you will be notified of the results. If you are eligible for vocational rehabilitation services, your counselor will begin working with you to develop an individualized employment plan. Your plan will outline the objectives, services, and time frames you and your counselor agree are needed to accomplish your employment goal. If you are eligible for independent living services your IL worker will explain the choices you have in developing or waiving an IL plan.



Your Right to Appeal a Decision of Ineligibility

If the results of the counselor's or IL worker's assessment of your application indicate that you are not eligible for services, you will receive a letter explaining the decision that was made. [You have the right to appeal this decision if you disagree.](#) Page 10 of this booklet contains the instructions for requesting a review of the decision.

Once You are Eligible for Services

It is our pleasure to be your partner in working toward the goals you choose. Because we know that no two people



have the same strengths, resources, priorities, concerns, abilities, and capabilities, your individuality is always considered during your relationship with us.

Your Vocational Rehabilitation Counselor or IL Worker

While you are receiving services, your primary contact with us will be the vocational rehabilitation counselor or IL Worker from whom you received your notice of eligibility. All of our counselors and IL workers have received special training in the effects of blindness and low vision. Counselors are knowledgeable about the employment outlook in your community and are supported by many teachers and

specialists in DBS to meet your needs. IL workers are prepared to help you learn new skills that will improve your ability to maintain or regain your ability to function as independently as possible.



Your Right to Make Informed Choices

To help you make informed choices about services and service providers as you work toward your goals, you and your counselor or IL worker will be discussing your options through out the process. We expect that this close partnership will meet your expectations.



Availability of the Field Director

Over the next months, your counselor or IL worker will be recommending and helping to arrange many services. Because you are a full partner in your rehabilitation plan, it is important that you relay your own suggestions and ask questions along the way. Talking openly with your counselor or IL worker is the first and most important step you can take when you have questions or problems.

There may be times when you still have a question after talking to your counselor or IL worker or need reassurance that agency guidelines are being followed. If this happens, we encourage you to contact the Field Director in your area.

Just mention that you need to talk about a specific question you have about your services.

If the Field Director is not in when you call, you will be contacted as soon as possible, and hopefully a phone call will resolve your question.

If a personal visit would be better, a meeting will be held at a time and place that meets your needs. You may always bring a friend, advocate, or representative with you. In the meeting you are invited to share your concern with the Field Director and ask questions about your services and the procedures we follow. Your counselor or IL worker will also be there. By the end of the meeting, we expect to arrive



at a solution that will be to everyone's satisfaction.

Occasionally, a few more days may be needed if the Field Director needs to look into your question further.



Your Right to Request a Review

From experience, we know most differences will be resolved informally and quickly when you first talk through a problem with your counselor or IL worker and then the Field Director. You have the right, however, to request a formal review of any decision made concerning your services without taking these steps.

A written request for review sets in motion the following basic formal procedures that meet federal and state requirements.

Requesting the Review

If you (or your representative, if you have one) are dissatisfied with a determination made by your counselor or IL worker concerning the furnishing or denial of services, all you have to do is mail or deliver a completed "Request for Due Process Hearing or Mediation" (DARS 1505) to the DARS Hearings Coordinator. For convenience, the DARS 1505 is available at any DBS office.



When the DARS Hearing Coordinator receives your request, you will be mailed an acknowledgment and a complete copy of formal hearing and mediation procedures. You will again receive notice of how to contact the Client Assistance Program in the event you would like their assistance. During the review process you may represent yourself or you may have someone else represent you, such as the Client Assistance Program, an attorney, an advocate, or any other person you choose.

Deadlines

We want to make sure problems are resolved as soon as possible; therefore,

you must request a review within 180 days from the date you were mailed notice of the counselor or IL worker's decision. DARS must hold a hearing within 60 days of your request for a review of the decision, unless you and DARS agree to another specific date for the hearing, a mediation agreement is achieved before that date, or you and the agency reach a resolution satisfactory to you prior to that date through informal discussions.

Hearing Procedures

As soon as you request a review, the process of appointing an impartial hearing officer starts. An impartial hearing officer is chosen at random from a group of people trained to hold



hearings of this type. The person will be someone who:

- is not an employee of DBS or another state agency;
- has not been involved in previous decisions regarding your services;
- has knowledge of the delivery of rehabilitation services, the state plan, and the federal and state rules governing the provision of services; and
- has no personal, professional, or financial interest that would be in conflict with their objectivity about your case.

Once the hearing officer is chosen, he or she will notify you of the hearing time, date, and location. All correspondence with you relating to your hearing will be in an accessible format. We will also provide reader services and interpreter services if you need them at the hearing, but you will need to notify the hearing officer in advance so the service can be arranged for you. There is no cost to you for this service.

The hearing officer is in charge of the hearing. You and DBS will be allowed to make statements, present evidence, and call witnesses. A hearing transcript will be prepared in an accessible format and provided to you at no cost.



Decision of the Hearing Officer

Within 30 days of the hearing completion date, the impartial hearing officer issues a decision based on the evidence. The decision must be consistent with federal and state regulations. A copy of the full written report of the hearing officer's findings of fact, conclusions of law, and any other grounds for the decision are sent to you, your authorized representative, the Assistant Commissioner, and the Division for Blind Services' authorized representative.

The impartial hearing officer may recommend such remedies as are appropriate within the scope of the

program from which you are receiving services, but may not award monetary damages to any party or recommend an action affecting the employment of an employee of DBS.

A decision that requires an action on the Division for Blind Services' part will be implemented immediately.



Your Right to Mediation...

You have the added option of mediation to resolve disputes when you are seeking a review of a determination. Choosing this option is voluntary on your part and does not deny or delay your right to a hearing within 60 days unless you agree to



wait on the results of mediation before proceeding. Mediation costs are paid by DARS.

DARS maintains a list of qualified mediators who are knowledgeable in laws relating to the provision of vocational rehabilitation services. Each session in the mediation process will be scheduled in a timely manner and will be held in a location that is convenient to all parties. The agreement reached between you and DBS during the mediation process is set forth in a written mediation agreement.

Discussions that occur during the mediation process are confidential

and may not be used as evidence in any subsequent due process hearing or civil proceeding. The parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

Your counselor or IL worker will be happy to explain the process further if you have any questions.



Your Right to Your Records and Protection of Personal Information

All personal information provided by you and gathered by DBS is held confidential, including names, addresses, records of agency



evaluations, reports of medical examinations and treatments, financial information, and photographs.

Conditions for Releasing Personal Information

Personal information is not disclosed directly or indirectly to anyone outside this agency unless your consent has been obtained in writing. Federal law provides a few exceptions to this policy, such as providing information in response to certain investigations or in order to protect individuals when they pose a threat to their safety or the safety of others. Personal information

may also be released during audits, evaluations, or research, but only for purposes directly connected with the administration of the Vocational-Rehabilitation Program or Independent Living Program and in a manner to safeguard confidentiality.

To obtain a copy of information in your record of services, just write your counselor or IL worker and ask for it. If we have information provided by other agencies or organizations, we may release it only under their conditions. On rare occasions, it is necessary to provide medical, psychological, or other information through a third party, such as a family member or doctor, for interpretation. If this is ever necessary,



the process for designating a third party is explained by the counselor or IL worker.

Requesting an Amendment to Your Record

If you believe any information in your record of services is inaccurate or misleading, you may ask your counselor or IL worker to amend the information. Your request will remain a part of your file even if the information cannot be amended.

Our mission is to work in partnership with you to reach your goals.

Client Assistance Program

The Client Assistance Program (CAP) has been established by the Rehabilitation Act to provide assistance to people applying for and receiving vocational rehabilitation services or independent living Services. In Texas, CAP is administered by Advocacy, Inc., a private, nonprofit organization that is not part of a state agency. Discussions with consumers are kept confidential.

CAP is available to assist:

- Applicants for and persons receiving services authorized by the Rehabilitation Act.
- People who are dissatisfied with services or decisions made about their services.



- People who want information about rights and services for people with disabilities.

CAP is also available to:

- Explain rights and services.
- Provide information and referral.
- Assist in resolving grievances using alternative dispute resolution, using informal and formal appeals, and/or pursuing legal assistance.
- Support people with disabilities in their efforts to be empowered, knowledgeable, participating, and contributing members of their communities.

To Request CAP Assistance

Contact their office and request INTAKE by calling voice or TDD:

Central Administrative Office
1-800-252-9108 (toll free) or
512-454-4816 in Austin

or by writing:

Advocacy, Inc.
7800 Shoal Creek Blvd., Suite 171-E
Austin, Texas 78757

