

**Guide to Services
from the Rhode Island
Office of Rehabilitation Services (ORS)**

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A publication of Disability Rights Rhode Island

This guide gives simple information about job help services from the Rhode Island Office of Rehabilitation Services (ORS). These are called Vocational Rehabilitation services.

The information in this guide is not legal advice. If you need legal help, please contact Disability Rights Rhode Island or another lawyer.

Please contact us or visit our website, www.drri.org, to get copies of our fact sheets or to ask for information or help.

DRRI CONTACT INFORMATION

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Warwick, RI 02886

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INTRODUCTION

In 1973, Congress made a law called the Rehabilitation Act. This law gives each state federal money to run a Vocational Rehabilitation (VR) program. The VR program helps people with disabilities find jobs, get jobs, and keep jobs. Having a job helps people with disabilities be included in their community.

In Rhode Island, the Office of Rehabilitation Services (ORS) runs the VR program. ORS is part of the Rhode Island Department of Human Services.

PURPOSE OF THIS GUIDE

- Help you learn more about ORS services.
- Help you get the ORS services you need.
- Help you understand your rights and responsibilities.
- Help you to make informed choices about work.
- Help you be a better advocate for yourself.

You may also be able to get services from the American Indian Vocational Rehabilitation Services program. This program is also called “Tribal VR.” Tribal VR is for members of American Indian tribes who live on or near a reservation. For more information, please read our booklet called “A Guide to Tribal Vocational Rehabilitation Services.”

DISABILITY RIGHTS RHODE ISLAND (DRRI)

DRRI is part of the national network of Protection and Advocacy (P&A) agencies. There is a P&A in every U.S. state and territory. P&As help people with disabilities protect their legal and human rights. We represent people with all kinds of disabilities. We also investigate complaints of abuse and neglect of people with disabilities.

CLIENT ASSISTANCE PROGRAM (CAP)

Through CAP, DRRI can provide you with free legal help to apply for ORS services. We can also help if you already get ORS services.

Teach	DRRI can teach you about all services and programs under the Rehabilitation Act.
Help & Advocate	We help and advocate for you with ORS. This includes students who get pre-employment transition services.
Training	DRRI gives training on Title I of the ADA and CAP services.

I. YOUR RIGHTS AS A VR CLIENT

As an ORS client, you have legal rights. Some of your rights are about the way ORS keeps your records. Other rights are about the services you will receive.

YOUR RECORDS

- Your ORS file is private. This means ORS will not share your ORS file with others unless you give written permission. ORS can only share your file without permission if a law says ORS must.
- You have the right to see your file at any time. If you have a guardian or representative, they can look at it too. ORS may think some information in your file could upset you. For example, your doctor may think your mental health report will be hard to read. If so, ORS will give the information to your representative instead.
- If you do not understand something in your file, ask your ORS counselor to explain it.
- If you believe something in your file is wrong, you may ask ORS to fix it.



Advocacy Tip

Keep your own copies of some records from your ORS file. These include releases of information that you signed, Certification of Eligibility (or Ineligibility), your Order of Selection category, and Individualized Plan for Employment (IPE). **If your IPE changes, be sure to get a copy of the new one.**

INFORMED CHOICE

You have the right to get information that will help you make choices about your job goals, providers, and the support you need. Your ORS counselor gives you information about services and resources.

YOUR VOCATIONAL REHABILITATION (VR) SERVICES

- ORS must decide if you are eligible for services. That means ORS will decide whether you meet the rules to get VR services. ORS will look at job history, school records, and training. Your ORS counselor will make their own observations. You can give the ORS counselor any other information you think is important.
- ORS must tell you its decision within **60 days** after you apply for VR services.

- You have the right to be a team member in planning your VR goals and services.
- You have the right to get important decisions from ORS in writing. This includes your right to ask for a review (appeal) of certain decisions and information about how DRRR can help you.

EMPLOYMENT

- You have the right to be treated fairly at work. No one is allowed to treat you unfairly just because you have a disability.

II. THE VOCATIONAL REHABILITATION PROCESS

The VR system can seem confusing. This section will help you understand what happens at each step. We will also give you helpful tips to advocate for yourself.

These are the basic steps in the VR process:

1. Apply for Services – You fill out forms to ask for help.
2. Eligibility – ORS checks if you qualify for services.
3. Order of Selection – If ORS does not have money to help everyone, they will help people with the most serious needs first.
4. Write Your Individualized Plan for Employment – Create a plan for your job goals and services.
5. Get Services – You start getting the services in your plan.
6. Work – ORS helps you find and keep a job.
7. Closing Your Case – When you are doing well at your job, ORS may close your case.
8. Services After You Get a Job – If you need more help once you have a job, you may still be able to get support.

1. APPLY FOR SERVICES

To get help from ORS, you need to fill out an application. You can get an application in different ways:

- Call ORS and ask them to mail you an application. Or you can ask to pick one up.
 - General number: (401) 421-7005
 - Spanish: (401) 272-8090
- Go to the ORS office and fill out an application.
- Go to an ORS orientation session. You can find the schedule on the ORS website.
- Visit the ORS website at <http://www.ors.ri.gov>.
- If you cannot fill out the form, you can write a letter to ask for help from ORS. Be sure to sign and date the letter.

After you apply, ORS has **60 days** to decide if you can get services.

If you are a high school student, your special education team can help you ask for ORS services. That team is called your IEP Team. You can ask your IEP Team to invite ORS to your IEP meeting, or to contact ORS for you. Most high schools have an ORS counselor - ask your IEP Team who that person is. You can also call ORS yourself. Ask the ORS counselor about **Pre-employment Transition Services (Pre-ETS)**, which are special services for students.

THE ORS COUNSELOR

After you apply for services, ORS will give you a counselor. Your counselor is the main person you will work with at ORS. Your counselor helps you plan so you can get the best help possible. Your counselor also helps decide if you can get services. We will talk about this more in the next section.

If you cannot go to the ORS office, your counselor can meet you somewhere else, like a library near you.

If your counselor does not speak your language, you can ask for an interpreter. You can also ask for an interpreter if you are Deaf and use American Sign Language.



HOW TO WORK WITH YOUR COUNSELOR

Find out your counselor's name and how to contact them. Tell your counselor if you move or change your e-mail or telephone number. Tell your counselor if you need other help, for example –

- Do you need help reading?
- Do you want to bring someone with you to your appointments?
- Do you get mail at a different address than where you live?
- Is English your first language?
- Do you need ORS papers in a different format, like large print?

If you and your counselor do not get along well, you can talk to the counselor's boss. You can ask for a new counselor. You can also ask Disability Rights Rhode Island (DRRI) for help.

WHAT HAPPENS IF ORS GIVES YOU A NEW COUNSELOR?

ORS will send you a letter with the name of your new counselor. You should call your new counselor right away. Ask to meet so you can talk about your file. Your new counselor will read your case file. Your services should keep going as planned.

2. ELIGIBILITY

To get Vocational Rehabilitation (VR) services, you must:

1. Have a physical, mental, or emotional disability that makes working harder.
2. Need VR services to get ready for, find, or keep a job.
3. Be able to use VR services to reach your job goal.

If you get Social Security Income (SSI) or Social Security Disability Insurance (SSDI), you automatically qualify for VR services.

You do **not** have to be a U.S. resident or citizen to get VR services. But you must be able to work legally in the U.S.

ORS must decide if you qualify for services within **60 days** after you apply.

HOW ORS GETS INFORMATION

ORS will look at information about your disability and what kind of VR services you might need. This information can come from different places like:

- Your ORS counselor's meetings with you.
- Your school records.
- Information you or your family share.
- Current medical record.
- Information from other agencies or schools.

There is information that ORS **cannot** use to decide if you qualify for services.

- The kind of disability you have.
- Who sent you to ORS.
- The specific services you need.
- The cost of those services.
- How much money you and your family make.
- Age, gender, race, and where your family is from.

ORS might need more information to decide if you qualify for services. It may ask you to do activities to get that information. These activities may include:

- Trial work experiences, meaning jobs you try for a short time.
- A medical exam by your doctor or a psychologist.
- Unpaid jobs and internships.

Your written **Individualized Plan for Employment (IPE)** will list the goals for these activities. Your IPE will also explain how you and ORS will decide if you reach the goals.



Advocacy Tip

Give ORS any information you have that shows you have a disability. Information from your family, doctor, and school records can help. If your counselor asks for another test, ask why. Ask when the tests will be finished. When they are done, talk about the results with your counselor.

Within **60 days**, you should finish all evaluations and find out if you can get VR services.

Then you will get a paper called your Certification of Eligibility or Ineligibility. If ORS says you do not qualify, you can ask them to review that decision. See “The Appeals Process” section of this Guide on page 26.

If you do not understand how ORS decides if you can get services, or you do not agree with ORS’s decision, you should contact DRRI.

TRIAL WORK EXPERIENCE

ORS usually thinks you can work no matter how serious your disability is. Sometimes, ORS needs more information to decide if you can work. Your counselor might set up Trial Work Experience to learn about your skills and interests.

Trial Work Experiences may include:

- Supported employment (help with a job).
- On-the-job training (learning while you work).
- Other jobs where you work with people who do not have disabilities.

The Trial Work Experiences must be different from other work you have done. It must last long enough for ORS to see if VR services can help you. ORS will give you the help you need during a Trial Work Experience. This may include assistive technology devices and services or personal help.

3. ORDER OF SELECTION

Once ORS decides you can get services, your counselor will put you in a group for something called the “Order of Selection.” ORS does not have enough money or staff to help everyone who qualifies for Vocational Rehabilitation (VR). So, ORS uses the Order of Selection to decide who to help first.

The Order of Selection means ORS puts people into three groups:

1. People with the most serious disabilities. This group will get VR services first.
2. People with serious disabilities. These people get help after everyone in the first group.
3. Everyone else who qualifies. This group gets services last.

MOST SERIOUS OR MOST SIGNIFICANT DISABILITIES

ORS will put you in this group if your disability makes it very hard to do at least four of these things:

- Mobility – moving around by yourself
- Communication – understanding or sharing information
- Self-care – daily things like bathing, dressing, or eating
- Self-direction – making your own choices
- Interpersonal skills – getting along with other people and making friends
- Work tolerance – being able to work full time
- Work skills – having the skills needed to do a job

ORS will only put you in this “Most Serious Disabilities” group if you need more than one VR service and you need help for more than six months.

ORS will think about **how many services you need** to reach your job goals. This means you need more than one kind of help to get a job.

If you only need one thing, like help finding a job, that’s one service.

If you need two or more, that’s more than one service. For example:

- You might need help with job training and transportation.
- Or you might need job coaching and technology to help you work.

ORS will also think about **how long you might need those services**. ORS looks at:

- Your disability.
- What kind of help you need.
- How long it will take to reach your job goal.

If it will take **more than six months** to get the help you need, then this part applies to you.

SERIOUS OR SIGNIFICANT DISABILITIES

ORS will put you in this group if your disability makes it very hard to do at least one of these things:

- Mobility – moving around by yourself
- Communication – understanding or sharing information
- Self-care – daily things like bathing, dressing, or eating
- Self-direction – making your own choices
- Interpersonal skills – getting along with other people and making friends
- Work tolerance – being able to work full time
- Work skills – having the skills needed to do a job

You must also need more than one service and need help for a long time (6 months or more) to be in this group.

Once ORS decides you can get services, your counselor will put you in a group for the Order of Selection. You have the right to ask ORS to review (appeal) your Order of Selection if you do not agree with it.

If ORS cannot give you services right away, ORS will put you on a waiting list. ORS will send you a letter to tell you that you are on the list. While you are on the waiting list, ORS will send you letters to ask if you still want to wait for services.



Advocacy Tip

- Once ORS says you can get VR services, you and your counselor should start working on your Individualized Plan for Employment (IPE).
- You and your counselor should look at your IPE at least once a year to make sure it is still right for you.
- You can ask to review your IPE any time if something in your life has changed. Be sure to keep copies of your IPE and any changes.
- ORS must give you your IPE in your native language or in a way you can understand.
- Your IPE should be clear and detailed. It must say who will pay for each service. This is important in case there is a disagreement later.
- ORS cannot choose your job goal based on how much it costs or how many services you need.

4. WRITE YOUR INDIVIDUALIZED PLAN FOR EMPLOYMENT

The Individualized Plan for Employment (IPE) is a written plan that explains what VR services you will get. You and your counselor will work together to create it. The IPE is very important. It shows what job goal you are working toward and how ORS will help you reach it.

You should:

- Ask for a copy of your IPE.
- Talk with your counselor about your needs and job goal.
- Work together to choose the right services for you.

ORS must help you finish your IPE **within 90 days** after you are found eligible for services. If you need more time for your plan, you and ORS must agree on a new deadline in writing. But it should not take longer than needed to start your services.

Your IPE must be reviewed at least once a year. You and your counselor can change it anytime if your goals or services change. You should get a copy of your new plan each time it changes.

WHAT GOES IN YOUR IPE

- A clear description of the job goal you choose. Your goal must match your strengths, interests, needs, and choices.
- A list of the services you need to reach your job goal.
- Steps and timelines for when your services will start and when you should reach each goal. You should be able to understand what will happen next and how long it will take.
- The name of the person or agency who will pay for each service.
- If you are a high school student, your plan should have a transition goal instead of a job goal. This explains what you want to learn before leaving school and what you want to do after. Your plan must also list the pre-employment transition services (PRE-ETS) you need to reach your transition goal.
- A description of how you and your ORS counselor if you have met your job goals.

Both you and your ORS counselor must sign the IPE. You should not sign your IPE unless you are comfortable with what it says. Make sure it includes everything you need to reach your job goal.

5. GET SERVICES

Being eligible for Vocational Rehabilitation (VR) services means you can get **all services you need to reach your job goal**. But you cannot get services just because you want them. You can only get services that are related to your job goal and that you need to succeed. You must show that you cannot reach your goal without that service.

ORS pays for many VR services, including:

- Tests and evaluations to see if you qualify for services.
- Job placement (help finding a job).
- Interpreters and other tools and services.
- Community Rehabilitation Programs (CRPs). CRPs help people with disabilities get the services they need to find and keep a job.

WHAT DO VOCATIONAL REHABILITATION SERVICES COST?

The services you get will depend on your needs. The most important services ORS gives you are:

- **COUNSELING AND GUIDANCE** – ORS gives you advice and information to help you make smart choices about your job goal, services, and the people who will help you.
- **TRAINING** – You may need job training or even college to be ready for work.
- **JOB SEARCH AND PLACEMENT** – ORS will help you find a job that fits your strengths, needs, goals, and abilities.

You may also receive other services if you need them. These include:

- **PHYSICAL AND MENTAL RESTORATION SERVICES** – Medical care and equipment to remove barriers to work. This can include physical and occupational therapy, wheelchairs, and hand controls for a car.
- **PERSONAL ASSISTANCE SERVICES** – Help from someone to do daily activities at home or at work.
- **REHABILITATION TECHNOLOGY** – Special tools or technology to help you. You can get these tools while ORS decides if you can get other services. Examples include car modification or assistive technology devices and services. Assistive technology (AT) is any device, technology, or equipment that helps you improve or keep your abilities. Examples of AT are screen magnifiers, power wheelchairs, hearing aids and communication devices, headphones, touchscreens, and large display monitors.

- **MAINTENANCE** – Money to pay for food, clothing, or rent. You can only get this money if you are in a training or other program that makes your living expenses go up.
- **COMMUNICATION SERVICES** – ORS may give you sign language interpreters if you are Deaf or reading services if you are blind. You can get help getting around if you are blind. ORS may also give you foreign language interpreters.
- **TRANSPORTATION** – ORS may pay for you to learn to use public transportation. ORS may also pay for your travel to evaluations and training programs.
- **LICENSES AND OCCUPATIONAL TOOLS OF THE TRADE** – If you need a license or permit for a job, ORS may help you to get it. ORS may also help you buy tools, equipment, and supplies.
- **TRAINING** – ORS may help pay for college or training. This can include:
 - Tuition, books, materials, and tools
 - On-the-job training
 - Classes that teach work and life

You must try to get free money (like grants). Your counselor can help you apply. ORS cannot make you take out student loans.

- **INDEPENDENT LIVING SERVICES** – These help you live on your own. ORS will check if you need these services before paying for them.
- **OTHER SERVICES** – ORS must provide any services you need to reach your job goal and keep your job.

TRANSITION SERVICES

“Transition services” help you get ready for life after high school. If you are a student with an Individualized Education Program (IEP), you can start getting transition services when you turn 14.

Part of your transition services can be VR services from the Office of Rehabilitation Services (ORS). You should talk about your job goals with your IEP Team as part of your transition services. You should ask how ORS can help with your job goals. ORS can help you by:

- Coming to your IEP meetings or person-centered planning meetings.
- Helping you find work or job training.
- Teaching you how the VR process works so you can decide if you want to apply

for services.

DRRI has an app that can help you think about your transition services. It is free to use! You can get the app from the App Store on your iPhone or Android phone.

You can also use the app to think about what you want your life to look like after high school. This includes where you live and what you want to do in your community.

You should think about whether you might need help making big life decisions. If you will, you should consider Supported Decision Making (SDM). This is a way to get structure and support but avoid having a guardian. You can learn more on Disability Rights Rhode Island's website (<https://drri.org/supported-decision-making/>).

PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

If you have an IEP or a 504 Plan, ORS can give you something called Pre-employment Transition Services (Pre-ETS). You can get Pre-ETS no matter what kind of disability you have. You do not need to apply for ORS services or be found eligible for services before you can get Pre-ETS.

Pre-ETS services can happen during school, after school, or in the summer. ORS works with schools and other programs in your community to provide services. But once you leave school, you cannot get any more Pre-ETS.

Pre-ETS services focus on five areas:

1. Job Exploration Counseling. Learn about different jobs and figure out what kind of job you want to have.
2. Work-based Learning. Try out real work in school or in the community. You might work during the school day or after it.
3. College and Training Information. Get information about college and other training programs after high school.
4. Workplace Readiness Training. Learn important social and life skills to reach your work and daily life goals.
5. Self-Advocacy. Learn how to speak up for yourself. You might get support from peer mentoring or other students.

As part of Pre-ETS, ORS will also:

- Go to your IEP meetings or share helpful information with your IEP Team.
- Join person-centered planning meetings with you for services outside of school.
- Work with other agencies to help you find job opportunities.

WHO CAN GET VOCATIONAL PRE-EMPLOYMENT TRANSITION SERVICES?

You can get Pre-ETS if these are all true for you:

- Student with a disability
- At least 14 years old but not yet 21
- Get special education or related services through an IEP or 504 Plan

HOW TO APPLY FOR PRE-EMPLOYMENT SERVICES

You don't need to fill out an application to get Pre-ETS. Someone from your school will send a referral for you. Then a VR counselor will meet with you to talk about the services you can get.

6. WORK

When you are ready to look for a job, your counselor should help you. They may help you:

- Learn the skills you need to look for a job.
- Find out what jobs are available.
- Fill out job applications.
- Get ready for job interviews.
- Get an interpreter for the interviews.
- Advocate for yourself.
- Get assistive technology.
- Help your future boss understand your rights and what support you need.
- Get services from a one-stop career center (a place that helps people find jobs).



Advocacy Tip

Take charge of your job search. Ask your counselor to help you make a plan to find a job. Make sure to go to all your appointments. Be on time and ready for job interviews. If you are NOT ready to start working, tell your counselor.

When you get a job, your ORS counselor will still work with you. Your counselor will make sure that you are doing well. If you need help to keep your job, the counselor can get you those services. Your counselor will help you and your boss if your job or workplace needs to be changed to fit your needs.

SUPPORTED EMPLOYMENT

Supported Employment (SE) is a program that helps people with serious disabilities get paid jobs in the community, not in sheltered workshops. That means you will work with people who do not have disabilities.

WHO CAN GET SUPPORTED EMPLOYMENT?

1. People with the most serious disabilities.
2. People with mental illness who need “transitional employment.” Transitional employment means the person works at one or more short-term jobs that help them learn skills and become more confident. The goal is to move the person into a permanent job.
3. People who do not work because of their disabilities.
4. People who sometimes work and sometimes cannot because of their disabilities.

HOW CAN SUPPORTED EMPLOYMENT HELP?

- You can get strong support while working. This help can last up to **2 years**. If you still need help to reach your work goals, support may last longer.
- If ORS puts you in the group of people with “most serious disabilities,” you can get services even longer. You can get services until you turn **25 years old**.

7. CLOSING YOUR CASE

1. ORS cannot close your case if ORS has not decided whether you can get services. They can only close your case if you do not help with your eligibility process, or do not finish it. Before closing your case, ORS must try to contact you or your representative to ask you to help with the process.
2. ORS can close your case if you reach the job goals in your plan (IPE).
3. If you have been doing your job well for at least **90 days** and you do not need help from ORS anymore, ORS can close your case.
4. ORS can also close your case if you and your counselor agree you reached your goal and are doing well at work.

ORS must tell you about any help you can still get after your case is closed.

8. SERVICES AFTER YOU GET A JOB

Even if your case is closed, you might still need help from ORS for a short time. For example:

- You might need help to KEEP your job.
- You might need help to get a job again if you lose yours.
- Your disability may have changed, and now you need more help.

This kind of short-term help is called Post-Employment Services. If you get Post-Employment Services, you and your counselor need to update your job plan (IPE). ORS will give you Post-Employment Services for up to **90 days**. If you need help longer, your counselor might re-open your case.



WHAT TO DO IF YOU HAVE A PROBLEM

Sometimes you might have a problem while working with ORS. It is best to fix problems early, before they get bigger.

Here are steps you can take:

- Set up a meeting with the person involved. Talk about ways to fix the problem.
- Bring a friend or advocate with you to the meeting if you want support.
- Write down the problem before the meeting. Or ask a friend to write it for you.
- Think about ways to solve the problem. Write down how your ideas can help you reach your job goal.
- If the meeting does not fix the problem, write down WHY it did not work. This can help you come up with new ideas.

If you need help, you can contact DRRRI or check out the Appeals Process information below.

III. THE APPEALS PROCESS

You have the right to appeal **ANY** decision about your case at **ANY** time during the Vocational Rehabilitation (VR) process. ORS must tell you about your appeal rights. ORS must also tell you about DRRI and how we might be able to help you.

EXAMPLES OF THINGS YOU CAN APPEAL

- ORS says you cannot get services
- The Order of Selection category you get placed in
- How much financial help you get
- If you don't get the Assistive Technology you need
- The type of training program ORS offers you
- ORS says you cannot get post-employment services
- If ORS closes your case



Advocacy Tip

Talk to your counselor about the decision. If you do not agree, ask your counselor to talk to their supervisor. If you still do not agree, you can start the appeals process.

- File your appeal quickly. You only have **30 days** from the date of the decision.
- You will get a chance to tell your side and show proof. Make sure to get and keep all your papers from the VR process.
- You can have a lawyer or advocate help you.
- Contact DRRI for help.

There are different ways you can appeal a decision. Some are informal, like a meeting. Some are formal, like a hearing. We will explain both types.

If ORS stops your services and you decide to appeal, ORS must keep giving you those services until your appeal is over.

Your appeal is over when the Director of the Department of Human Services makes the final decision.

1. INFORMAL WAYS TO SOLVE A PROBLEM

There are two informal ways to appeal a decision: **mediation** and an **informal administrative review**. These steps are *voluntary*, which means you do not have to do them. You can skip them and go straight to a formal administrative hearing.

If you do choose an informal step, it will not delay your right to an administrative hearing.

INFORMAL ADMINISTRATIVE REVIEW

In this review, an ORS supervisor looks at your case.

- You can bring a lawyer or advocate to help you.
- The review must happen **within 15 days after you ask for it**.
- The supervisor will give you their decision during the review.

MEDIATION

Mediation is when a neutral person (called a mediator) helps you and ORS try to reach an agreement. The mediator does not take sides.

- Mediation is *voluntary*. You or ORS can say no to mediation. You or ORS can stop the mediation at any time.
- To ask for mediation, fill out form ORS-121. You can find it on the ORS website: <https://ors.ri.gov/resources/forms>.
- The mediator must be trained and fair. That means the person is not on your side or on ORS's side. The mediator is chosen randomly from a list the State provides.
- If you and ORS agree on a solution, the mediator will help you write it down. You and ORS must both sign the agreement.

2. FORMAL PROCEDURES

There are formal steps you can take if you do not agree with ORS. These include:

- an **impartial due process hearing**
- the **Director's Option to Review Impartial Hearing Officers' Decision**
- a **judicial review**, which means going to court

IMPARTIAL DUE PROCESS HEARING

A due process hearing is like a court case. You and ORS both share your side of the story with an impartial hearing officer. This person is trained and does not take sides. The hearing officer makes a decision based on federal and state law, and the ORS State Plan.

- To ask for a hearing, fill out form ORS-121 and send it to ORS.
- You must ask for a hearing in writing. Do this as soon as possible. You only have **30 days** from the date of ORS's decision.
- The administrative hearing must happen within **60 days** of your request unless you agree to wait longer.
- You can bring a lawyer or another helper with you.
- You should bring any witnesses who can support your case to the hearing.
- You can ask ORS's witnesses questions.
- The hearing officer will send you a written decision within **30 days** after the hearing. ORS will also get the decision.

DIRECTOR'S OPTION TO REVIEW IMPARTIAL HEARING OFFICERS' DECISION

If you do not agree with the hearing officer's decision, you can ask the Director of the Department of Human Services to review it. ORS can also ask for this review.

- You must ask for the review within **20 days** after the hearing officer mailed you the written decision.
- If no one asks for a review in time, the hearing officer's decision becomes **final** on day 21. After that, only a judge can change the decision.
- The Director of Human Services may look at new evidence that was not used in the hearing.

- The Director must keep parts of the decision that help you, unless there is “clear and convincing evidence” (strong proof) that those parts are against the law or ORS rules.
- The Director must finish the review and make a decision within **30 days** of getting the request.
- You and ORS will both get the Director’s decision in writing.

JUDICIAL REVIEW

If you still do not agree with the hearing officer’s decision, or the decision from Director of the Department of Human Services, you can file an appeal. That means you can take your case to court.

There are two kinds of court review you can ask for:

1. REVIEW UNDER THE STATE ADMINISTRATIVE PROCEDURES ACT

- You have **30 days** to appeal after you get the decision (from the hearing officer or the Director).
- You must file your appeal in the Superior Court of Providence County.
- To win, you must prove that the decision was one of these things:
 - Unreasonable or random. (The court uses the words “arbitrary and capricious.”)
 - Not a decision ORS was allowed to make.
 - Against the U.S. Constitution.
 - Not backed up by enough evidence.
 - Based on a mistake in the law or process.

2. REVIEW UNDER THE REHABILITATION ACT

- There is no deadline, but it is best to file within **30 days** of the decision you disagree with.
- You can file this appeal in state Superior Court or the U.S. Federal District Court.
- To win, you must show that the evidence proves it is more likely than not that you were right. This is called the “preponderance of the evidence.”