

A Guide to Tribal Vocational Rehabilitation Services

220 Toll Gate Road, Suite A | Warwick, Rhode Island 02886





 401-831-3150  800-733-5332  401-274-5568  www.drri.org

Table of Contents

A PUBLICATION OF DISABILITY RIGHTS RHODE ISLAND	2
DRRI CONTACT INFORMATION	2
INTRODUCTION	3
PURPOSE OF THIS GUIDE	3
DISABILITY RIGHTS RHODE ISLAND (DRRI)	4
CLIENT ASSISTANCE PROGRAM (CAP)	4
I. YOUR RIGHTS AS A TRIBAL VR CLIENT	5
YOUR RECORDS	5
INFORMED CHOICE	5
YOUR TRIBAL VOCATIONAL REHABILITATION (TVR) SERVICES	5
EMPLOYMENT	6
II. THE TRIBAL VOCATIONAL REHABILITATION PROCESS	7
1. APPLICATION	8
2. ELIGIBILITY	10
HOW TVR GATHERS INFORMATION	10
3. DEVELOPMENT OF THE INDIVIDUAL PLAN FOR EMPLOYMENT (IPE)	12
WHAT YOUR IPE SHOULD INCLUDE	12
4. SELECTION AND DELIVERY OF SERVICES	13
TRIBAL STUDENT TRANSITION SERVICES	14
TRANSITION SERVICES FROM TVR.....	15
WHO IS ELIGIBLE FOR TVR TRANSITION SERVICES?.....	15
PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)	16
WHO IS ELIGIBLE FOR VOCATIONAL PRE-EMPLOYMENT TRANSITION SERVICES?	16
HOW TO APPLY FOR PRE-EMPLOYMENT SERVICES	17
5. EMPLOYMENT	18
SUPPORTED EMPLOYMENT	18
WHO IS ELIGIBLE FOR SUPPORTED EMPLOYMENT?	18
HOW CAN SUPPORTED EMPLOYMENT HELP?.....	19
6. CASE CLOSURE	20
III. THE APPEALS PROCESS	21
1. INFORMAL REVIEW PROCESS	21
2. MEDIATION	21
3. FAIR HEARING	22

A publication of Disability Rights Rhode Island

This guide is intended to provide a basic overview of Tribal Vocational Rehabilitation services from the Mashantucket Pequot Tribal Nation Tribal Vocational Rehabilitation (MPTN TVR) program and does not constitute legal advice. If you need legal advice about your particular situation regarding Tribal Vocational Rehabilitation services, please contact us.

Please contact us or visit our website, <https://drri.org/> to obtain the most recent copies of all our publications or to submit a request for information or assistance.

DRRI CONTACT INFORMATION

Disability Rights Rhode Island

220 Toll Gate Road, Suite A

Warwick, RI 02886

(401) 831-3150 Voice

(401) 274-5568 FAX

(800) 733-5332 Toll-free

INTRODUCTION

The American Indian Vocational Rehabilitation Services (AIVRS) program, (also known as “Tribal VR”) provides Vocational Rehabilitation (VR) services to tribal members who live on or near federal or state reservations. The Tribal VR program helps tribal members with disabilities find, get, and keep jobs. The services are provided in a culturally relevant manner and may include native healing services.

In Rhode Island and Connecticut, the Mashantucket Pequot Tribal Nation (MPTN) operates the Tribal VR program.

PURPOSE OF THIS GUIDE

- To help you learn more about Tribal VR services.
- To help you to access the services you need through Tribal VR.
- To help you to understand your rights and responsibilities in the Tribal VR system.
- To help you to make informed choices about employment.
- To help you become a better self-advocate.

You may also be able to get services from the Rhode Island Office of Rehabilitation Services (ORS). This is the state agency that gives Vocational Rehabilitation services to people in Rhode Island. For more information, please read our “Guide to Services from the Rhode Island Office of Rehabilitation Services (ORS).”

DISABILITY RIGHTS RHODE ISLAND (DRRI)

DRRI is part of the national network of Protection and Advocacy (P&A) agencies created by Congress. There is a P&A in every U.S. state and territory. P&As help people with disabilities protect their legal and human rights. P&As have the power to investigate reports of abuse and neglect of persons with disabilities. P&As also provide advocacy and legal representation to persons with disabilities.

CLIENT ASSISTANCE PROGRAM (CAP)

Through CAP, DRRI can provide free legal help to apply for Tribal VR services and help you if you already have Tribal VR services.

Advise	applicants & clients of all services and programs under the Rehabilitation Act.
Assist & Advocate	for clients or applicant of state or tribal VR services and individuals receiving pre-employment transition services.
Outreach & Training	on Title I of the ADA and CAP services to individuals within the state, including underserved and unserved populations.

I. YOUR RIGHTS AS A TRIBAL VR CLIENT

As a client of Tribal VR (TVR), you have several legal rights. Some of your rights relate to the way TVR will keep your records. Other rights relate to the services you will receive.

YOUR RECORDS

- Your TVR file is confidential. This means TVR will not share your file with others unless you give your written permission.
- You have the right to see your file at any time. So does your guardian or representative if you have one. You can retrieve your file by a written request.
- If you do not understand something in your file, ask your counselor.
- If you believe something in your file is wrong, you may ask TVR to fix the information.

INFORMED CHOICE

You have the right to make informed choices about employment goals, service providers, and the support you need. Your TVR counselor provides you with information about services and resources.

YOUR TRIBAL VOCATIONAL REHABILITATION (TVR) SERVICES

- You have the right to be a full partner in planning your TVR goals and services.
- You have the right to the same type and number of services as those offered by the State vocational rehabilitation program.
- You have the right to receive information and communicate in your native language.
- You have the right to receive written notice of important decisions made in your case. This includes notice of your appeal rights and of DRRI's services.

EMPLOYMENT

- You have the right not to be discriminated against in your workplace because of your disability.

II. THE TRIBAL VOCATIONAL REHABILITATION PROCESS

The process for applying and receiving services through MPTN is easy and MPTN can help you with every step. This section will help you understand what you can expect at each step in the system.

In general, these are the steps in the TVR process:

1. Application
2. Eligibility
3. Development of an Individualized Plan for Employment
4. Selection and Delivery of Services
5. Employment
6. Case Closure

1. APPLICATION

To apply for TVR services, you must first fill out an application. You can obtain an application by:

- Calling the Mashantucket Pequot Tribal Nation Vocational Rehabilitation Program (MPTN VR) and setting up a meeting with a TVR counselor at (866) 399-1122.
- Going to the MPTN TVR website at https://tribalvr.mptn-nsn.gov/globalassets/forms/application_for_services_09_2019.pdf. After you have downloaded the form, you can print it out to complete. You can submit the completed form by:
 - Email: mmorton@mptn-nsn.gov
 - Fax: (860) 396-2282
 - Mail: Tribal Vocational Rehabilitation
Attn: Michael Morton
P.O. Box 3310
Mashantucket, CT 06338-3310

THE TVR COUNSELOR

After you apply for services, you will be given a counselor. Your counselor is the most important person you will work with at TVR. Your counselor helps you plan so you can get the best services possible. Your counselor is also important to the process of determining your eligibility. We will discuss this in the next section.

If you cannot go to the TVR office your counselor can meet you somewhere else, for example, at a community location. If your counselor does not speak your native language, or you are deaf, you can request an interpreter for your appointments.



SUGGESTIONS FOR WORKING WITH YOUR COUNSELOR

Find out your counselor's name and how to contact with him or her. Tell your counselor if you move or change your e-mail or telephone number. Tell your counselor if you have other needs, for example –

- Do you need help reading?
- Do you want or need to bring someone with you to your appointments?
- Do you receive mail at a different address from where you live?
- Is English your first language?
- Do you need to receive TVR materials in an alternate format?

If you and your counselor cannot develop a good relationship, you can contact the counselor's supervisor. You can ask that person to assign you to a new counselor. You can also contact Disability Rights Rhode Island (DRRI) for help.

WHAT WILL HAPPEN IF YOUR COUNSELOR IS CHANGED?

You will receive a letter from TVR telling you the name of your new counselor. You should call your new counselor right away. Ask to meet with the new counselor to review your file. Your new counselor will read your case file. If everything you and your previous counselor agreed upon is written in your file, your services should continue as planned.

2. ELIGIBILITY

To be eligible for Tribal Vocational Rehabilitation (TVR) services, you must –

- (1) Be an enrolled member of a state- or federally-recognized American Indian Tribe.
- (2) Be present or reside in Connecticut or Rhode Island.
- (3) Have a physical, mental, or emotional impairment which creates a barrier to employment.

HOW TVR GATHERS INFORMATION

TVR will review existing information with you to determine whether you have a disability, whether you are an enrolled member of a state- or federally-recognized American Indian Tribe, and what your TVR needs may be.

TVR might want or need more information to make an eligibility determination. It may ask for additional data. This may include:

- Information about your interests, abilities, and prior work.
- Information about your health and skills.
- Evaluations (the type of evaluation depends on what kinds of information may be missing or needs to be updated.)

TRIAL WORK EXPERIENCE

TVR will generally assume that you can work no matter how serious your disability is. In some cases, TVR may need more information to decide if you can work. Your counselor can place you in Trial Work Experience to get to know your skills and interests.

Trial Work Experiences may include:

- Supported employment.
- On-the-job training.
- Other work experiences with non-disabled coworkers.

The Trial Work Experiences must be different and last long enough for TVR to determine whether VR services can help you. TVR must provide the supports you need during a Trial Work Experience. This may include assistive technology devices and services or personal assistance services.

3. DEVELOPMENT OF THE INDIVIDUAL PLAN FOR EMPLOYMENT (IPE)

The Individualized Plan for Employment (IPE) is a written plan for TVR services. You will develop your IPE with your counselor. The IPE is very important. It determines what goal you will work on next and how your TVR services will meet your needs. You should ask for a copy of your IPE. You should work closely with your counselor to set an employment goal. Explain your needs to your counselor. Your counselor should help you consider your options for services.

WHAT YOUR IPE SHOULD INCLUDE

- A description of the specific employment goal you choose. Your goal must match your unique strengths, resources, concerns, abilities, interest, and informed choice.
- A description of the specific services you need to reach your employment goal.
- Goals for your progress, and timelines to start services and to reach your goals. You should be able to understand exactly what comes next and how long it will take.
- The people or agency responsible for paying for each service.
- If you are a high school student, your plan should describe a transition goal instead of an employment goal. A transition goal describes what you want to learn before you leave high school and what you want to do after. Your plan must also describe the services that you will need to reach your transition goal.
- A description of how you and your TVR counselor will judge whether you reached your employment goals.

4. SELECTION AND DELIVERY OF SERVICES

Being eligible for Tribal Vocational Rehabilitation (TVR) services means you are **eligible for all services that you need to reach your employment goal**. You are not entitled to services just because you would like to have them. You are only entitled to services that are related to your employment goal and your specific needs. You must show that you cannot reach your employment goal without a certain service.

Your TVR services will depend on your needs. The services you may receive include:

- Counseling and Guidance
- Referral
- Physical and Mental Restoration Services
- Transportation
- Interpreter Services
- Reader Services
- Career Development
- Cover Letter and Resume Writing
- Personal Assistance Services
- Job Interviewing Skills Training
- Job Placement Assistance
- Occupational licenses, tools, equipment, initial stocks, and supplies
- Assistive Technology
- Technical Assistance
- Person-centered Job Development Services

TVR offers traditional and cultural services and support. These services center cultural background or practices to remove barriers to successful employment. These services include:

- **Sweat lodge** – TVR can refer you tribal spiritual leaders to guide you through the sweat lodge ceremony. The sweat lodge purifies through sweat and time, providing an opportunity to reflect and identify the need for support and change.

- **Smudging** – This can happen at any time during your TVR counseling. This ceremony cleanses a person of negative thoughts/feelings.
- **Talking Circle** – A talking circle allows you to express your thoughts/issues/feelings. This is a group service allowing for communal support and healing.
- **Prayer** – Prayer either during your counseling with TVR staff, or TVR can refer you to your tribes' spiritual leaders.
- **Social events** – TVR can provide you with information about powwows, social gatherings, and other event within your community.
- **Traditional lifestyle** – TVR can provide you with information about cultural history, traditional healing techniques and medicines, and other historical health information.
- **Traditional art classes** - Teach traditional indigenous art forms, such as beading, weaving, and quilling. This service provides a community gathering to encourage fellowship, cultural education, and good medicine for all participants.

TVR may also provide services to groups of individuals. These include:

- Small business assistance
- Community Rehabilitation Programs (CRPs). CRPs provide or facilitate VR services to increase employment opportunities for people with disabilities.
- Nonvisual Access to Information
- Technical Assistance to Businesses
- Transition Services
- Assistive Technology
- Advanced training support

Providers of all TVR services must either communicate in your native language or use an appropriate alternative method of communication. All providers of TVR services must be culturally informed.

TRIBAL STUDENT TRANSITION SERVICES

Students with disabilities may be eligible for TVR services. If you have an Individualized Education Plan (IEP), you should discuss your employment goals with your IEP team as

part of your transition services. You should begin thinking about your goals and what you need to meet those goals before you graduate.

TVR can start the process of helping you while you are still in school after you turn 14. You also may be able to get Pre-Employment Transition Services (Pre-ETS) if you are not eligible for TVR transition services. Pre-ETS are provided by the state VR programs (described below).

TRANSITION SERVICES FROM TVR

TVR offers transition services to students or youth aged [14 to 21](#). TVR transition services assist you with the change from school to post-school activities. These activities may include:

- Postsecondary education
- Employment training
- Independent living
- Community participation
- Long-term employment goals

Post-high school, TVR offers:

- Career development
- Coordination of community resources
- Cover letter and resume writing/preparation
- Job interview skills training
- Job placement assistance
- Follow-up support

WHO IS ELIGIBLE FOR TVR TRANSITION SERVICES?

- Students with disabilities
- At least [14 years old but not yet 22](#)
- Enrolled members of a state or federally recognized American Indian Tribe

PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

Separate from the TVR program, your state Vocational Rehabilitation (VR) program can provide you with Pre-employment Transition Services (Pre-ETS) if you have an IEP or 504 plan. You can receive Pre-ETS regardless of the type of disability you have. You do not need to apply for VR services or be eligible for services before getting Pre-ETS.

Pre-ETS services can happen during and after school or in the summer. The state VR program works with schools and community partners to provide services. Once you leave school, you cannot get any more Pre-ETS.

Pre-ETS services focus on five areas:

1. Job Exploration Counseling. This helps you decide what kind of job you want to have.
2. Work-based Learning. Your job might be at school or in the community. You might work during the school day or after it.
3. Counseling on Opportunities for Enrollment in Comprehensive or Post-Secondary Educational Programs. In other words, you can get information about college and other training opportunities after high school. That information will help you decide what training and education you would like.
4. Workplace Readiness Training. This helps you learn social skills and independent living skills.
5. Self-Advocacy. This may include peer mentoring or learning from other students.

As part of Pre-ETS, your state VR program will also:

- Attend IEP meetings or provide information to your IEP Team.
- Attend person-centered planning meetings with you for services outside of school.
- Work with other agencies to find work opportunities for you.

WHO IS ELIGIBLE FOR VOCATIONAL PRE-EMPLOYMENT TRANSITION SERVICES?

- Students with disabilities
- At least [14 years old but not yet 21](#)
- Receive special education or related services through an IEP or 504 Plan

HOW TO APPLY FOR PRE-EMPLOYMENT SERVICES

TVR can help you connect with state VR services for Pre-ETS. TVR works with the RI Office of Rehabilitation Services (ORS) and has a strong relationship with their designated TVR counselor.

5. EMPLOYMENT

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

- Get training on the skills you need to look for a job.
- Find information about job openings.
- Apply for jobs.
- Get ready for job interviews.
- Get an interpreter for the interviews.
- Advocate for yourself.
- Get assistive technology.
- By teaching an employer about your rights and your needs.



Advocacy Tip

Take the lead in your job search. Ask your counselor to help you plan to find a job. Keep all appointments that you make. Be on time and ready for job interviews. If you are NOT ready to begin a job, tell your counselor.

Once you get a job, your ORS counselor will continue to work with you. Your counselor will make sure that you are doing well, If you need services to keep your job, the counselor can help get those services. Your counselor will help you and your employer with changes to your job or the job site.

SUPPORTED EMPLOYMENT

Supported Employment (SE) is to help people with the most serious disabilities work in paid community jobs, not in sheltered workshops.

WHO IS ELIGIBLE FOR SUPPORTED EMPLOYMENT?

1. Persons with the most significant disabilities.
2. Persons who do not work because of their disabilities.

3. Persons who work on and off because of their disabilities.
4. Persons who need intensive and extended support services following TVR services to maintain employment.

HOW CAN SUPPORTED EMPLOYMENT HELP?

- You can receive ongoing intensive support services after you start a job. These services can last for up to **24 months**, or **2 years**. You might get services longer if you need them to reach your employment goal.
- You will work with people who do not have disabilities.
- TVR counselors work with you to help you find a supported employment provider who can work with you for the time you need.

Examples of supported employment include things on the job that you need for support, such as job coaches, helpful coworkers, mentors, or other employer support.

6. CASE CLOSURE

The amount of time you may need for a particular service is based on your individual needs and written in your IPE. Typically, your TVR counselor will monitor you on the job for at least **90 days**. During this time, it is important you communicate regularly with your counselor to make them aware of barriers and issues.

If you achieve your employment goals after this time, and if you agree, then your case will be closed. However, your case can be re-opened if a problem arises on the job or if you need additional services.

III. THE APPEALS PROCESS

You have the right to appeal **ANY** decision about your case at **ANY** time during the TVR process. TVR must notify you how DRRI might be able to help.

There are several ways that you can appeal a decision about TVR services. If TVR stops your services and you appeal that decision, TVR must keep giving you those services until your appeal ends.

1. INFORMAL REVIEW PROCESS

In an informal review, you and the TVR staff will meet and try to reach a solution. You can ask for an informal review verbally or in writing. You must clearly state the problem(s) and possible solutions.

If you and the TVR staff cannot reach a solution, you may set up a meeting with the TVR Director. You, the staff with whom there is a problem, and the Director will make another attempt to reach a resolution.

2. MEDIATION

Mediation is the process of using an independent third party to help you and TVR reach an agreement.

- Following your request for mediation, the Chairperson of the mediation committee will meet with the committee within **5 days** of your request.
- At least **3 members** of the committee will meet with you to discuss the problem and attempt to uncover a solution.
- The committee may request additional information, which you must provide within **5 days** of their request.
- The committee must make a final decision within **5 days** of the meeting.

If you reach an agreement at any time throughout these informal processes, the TVR Director will give a written summary of the process. The summary will include an overview of the problem(s) and a correction plan.

3. FAIR HEARING

If you do not agree with TVR's denial of services or findings, you may request a Fair Hearing.

You must send a request in writing within **30 days** of the denial of services or findings to the MPTN TVR Director, stating the problem(s) and possible solutions.

- The Fair Hearing must take place within **45 days** of your request (unless all individuals agree to a specific time extension).
- An impartial Fair Hearing Officer will conduct the Hearing. The Fair Hearing Officer is chosen at random or by you and the MPTN TVR Director.
- The Fair Hearing Officer will give you their recommended decision within **30 days** of the hearing.
- The MPTN VR Director may not overturn or modify the decision unless there is "clear and convincing evidence" that the decision goes against Federal or State laws and policy. "Clear and convincing evidence" gives the Director a firm belief that your claim is true.
- The MPTN VR Director has **20 days** to notify you of their plan to review the recommended decision. The Director must give you the opportunity to provide additional information.

The MPTN VR Director must give a final written decision that outlines all findings and the reason for the decision within **30 days**.