

410.00P Non-Degree Training Procedures: Trade Business and Other Schools Procedure

December 2000 (Amended April 2009)

See corresponding policy: 410.00 Non-Degree Training at Trade, Business and Other Schools Policy

See corresponding related memo: POL-09-04; Purchase of Clothing

See corresponding related memo: POL-09-05; Funding Limits for Vocational Training Programs

Note: Vocational Rehabilitation procedures provide internal guidance for ACCES-VR staff only and create no procedural or substantive rights for any individual or group.

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Introduction

These procedures will outline steps to use trade, business and other schools licensed or registered under Article 101 of the Education Law and Part 126 of the State Education Department Regulations and other similar programs, which provide vocational training. Each District Office should designate the District Office Business Manager or other staff member to coordinate a local process to ensure that only approved schools are used.

Private trade, business or computer training facilities which charge tuition or fees must be licensed or registered by the State Education Department (SED) or other regulatory authority. Schools that are not licensed or registered can not be used as a vendor by ACCES-VR. ACCES-VR staff should determine the legal status of the school before including training services at that school on the Individualized Plan for Employment. The fact that a school is included on ACCES-VR's vendor file is merely an indication that the school has been used as a vendor. It does not mean that the school is an approved vendor under all circumstances.

Each district office should have a copy of the enrollment agreement from schools supervised by the State Education Department's Bureau of Proprietary Schools on file. The enrollment agreements can be obtained directly from the schools.

Cost Effective Skills Training for Short Term Programs

As per ACCES-VR's Policy 1125.00 Consumer Participation in the Cost of Services, if the course of study at a trade, business, computer training facility or driver training school will be completed within one year, ACCES-VR's cost effective services exception can be applied. The skills program for which consideration of available resources is waived cannot exceed one year in duration and must be a non-degree program. Up to two years may be allowed for BOCES programs that operate on half-day sessions or for trainees whose disabilities require part-time attendance, as long as the total cost to ACCES-VR does not exceed \$7,000.

ACCES-VR's contribution will be limited to \$7,000, or the balance after comparable benefits are applied to those costs in the current enrollment agreement, whichever is lower.

Any costs in excess of the \$7,000 waiver limit are subject to consideration of consumer resources.

Examples:

A consumer is planning to attend a driver school, to qualify for a Commercial Driver's License. The training will last 6 months and cost \$4,250. The calculation of economic need is waived. ACCES-VR funds can be used to pay the full cost of \$4,250.

A consumer is planning to attend a technical school. The training will last 10 months and cost \$10,000. The calculation of economic need can be waived, and ACCES-VR funds can be used to pay up to \$7,000. If the consumer would benefit to a greater extent under an economic need calculation, the cost-effective exception should not be used.

All program costs, including tuition, books and fees, must be documented on the Individualized Plan for Employment (IPE). The counselor and the senior counselor must sign the IPE when it includes cost effective skills training. The justification for the cost effective exception should be recorded in a case note, using the waiver header.

Approval Process

New York State Education Department (NYSED) Regulated Schools

1. Schools that are regulated under Article 101 of the Education Law and Part 126 of the State Education Department Regulations must be licensed or certified by the Bureau of Proprietary School Supervision (BPSS). This includes the private trade, business or computer training facilities. The following steps must be taken:

- A. The SED Website at www.highered.nysed.gov/bpss contains a listing of licensed and registered schools and is frequently updated. An additional website of interest is <http://www.nysed.gov/heds/irpsl1.html>. Any school listed is approved by BPSS and can be used, as appropriate, for the individual. The District Office Business Manager or other designated staff can enter these schools on the vendor file.
 - B. If the school is not on the BPSS list the Business Manager or other designated staff will need to seek approval for utilization of the school through ACCES-VR's Provider Review Unit in Central Office. Some of these schools may have been recently approved and may not yet be on the website. Other schools may claim "exemptions" from licensing/certification requirements that are not valid.
2. Schools of Acupuncture: the State Education Department's Office of the Professions registers non-credit acupuncture programs, although the majority of acupuncture programs are credit bearing and in colleges/universities.
 3. Correspondence Schools: If located in New York State, need to be licensed by BPSS. If located outside of New York, they need to be approved by the appropriate governing body.
 4. Degree granting institutions: Certificate programs offered at colleges or universities are to be sponsored in accordance with ACCES-VR Policy 405.00 Training At a College or University Leading to a Degree.
 5. BOCES training programs. Consumers must meet economic need, or the criteria for cost-effective training.

Programs Overseen by Other State or Federal Agencies

Similar programs, as referenced in the policy, include schools that are licensed, registered, or approved by another department or public agency, but not licensed or certified by BPSS. The ACCES-VR Business Manager or other designated staff should contact the school directly to confirm that it is appropriately licensed. The following schools and instructional courses can be approved at the district office and entered on the vendor file once licensing is confirmed and include:

1. Driver Instruction and Truck driver training schools: the Department of Motor Vehicles licenses these schools. Schools that provide instruction for ACCES-VR-sponsored individuals who have need for adapted training and/or equipment must have a Driver Rehabilitation Specialist, on staff in accordance with the Standards for Driver Rehabilitation and Vehicle Modifications;
2. Security Guard Training Schools: the Division of Criminal Justice Services certifies these schools;
3. Insurance Agent Training Schools: The Department of Insurance licenses these schools;
4. Flight Training and/or related ground school instruction: Instruction given exclusively for this purpose is approved by the Federal Aviation Administration (FAA).

Other Programs

The following programs do not fall under the purview of any state agency or licensing authority and, therefore, are exempt from any licensing or registration requirements. The Business Manager or other designated district office staff will need to seek approval for utilization of the school through ACCES-VR's Provider Review Unit in Central Office.

1. Schools in which instruction is designed solely to prepare applicants for admission to professional licensing examinations administered by the department and applicants for examination for admission to the practice of law;
2. Continuing education courses for licensed professionals and attorneys;
3. Conferences, trade shows, workshops, seminars, institutes or courses of study offered to the general public so long as the length of training does not exceed five consecutive days nor offered more than twice per year. Any entity that exceeds these limits will need to be licensed;
4. Computer training for personal use, such as word processing; and
5. Schools which provide instruction in the following subjects only: religion, dancing, music, painting, drawing, sculpture, poetry, dramatic art, languages, reading comprehension, mathematics, recreation and athletics.

Schools approved to provide ACCES-VR training services must have pertinent information available as described in the Trade, Business and Other Schools Policy 410.00 (Section A, Paragraph 4) and provide that information upon request. This information should be sought by each district office business manager or other designated staff and maintained on file, as needed for vocational planning.

Development of the Individualized Plan for Employment

1. ACCES-VR-sponsored individuals must meet the same standards for admission, academic progress and completion as required by the school for all applicants. The school should provide reasonable accommodations when needed. Information concerning the documentation that schools are required to maintain on each participating student can be found at <http://www.highered.nysed.gov/bpss/pg20300.htm>.
2. ACCES-VR staff should seek an agreement with the school regarding support services, such as note taking and interpreter services. These services should be provided in accordance with ACCES-VR Policy 1391.00 Personal Assistance Services.
3. The individual must maintain the academic performance standards of the school. Extended time to complete the course of study can be allowed up to 150% of the expected duration of the program. For example, if a course of study is indicated in the school catalogue as of one year's duration, ACCES-VR sponsorship can continue for up to 18 months. Similarly, if a course of instruction has 1,000 classroom hours as the standard requirement, ACCES-VR sponsorship may be provided up to 1,500 classroom hours.
4. ACCES-VR may provide required textbooks and related course materials, learning aids and other items needed to participate in a specific course or program. In addition, related materials may include provision of special equipment to facilitate

the individual's participation in a regular class. ACCES-VR will not provide expendable supplies such as paper, pencils and notebooks, unless they are uniquely related and required for participation in a specific course, or required because of the limitations resulting from a disability.

5. ACCES-VR can authorize only up to two round trips per academic year for consumers who attend trade, business or other schools that require them to live away from their primary residence. This transportation assistance can only be used to travel to and from the non-degree program the consumer is attending.
6. Counselors should be familiar with the provisions of ACCES-VR Policy 100.00 Consumer Involvement, which requires cost comparison among comparable training providers and clarifies that individuals do not have full control over the choice of services or service providers.
7. Individuals should be encouraged to research schools on the SED websites at www.highered.nysed.gov/bpss and <http://www.nysed.gov/heds/irpsl1.html> to obtain information that will enhance their opportunity to make an informed choice from among training courses that are available and the providers of those training services.

Economic Need

Tuition, fees, required textbooks & materials and other costs associated with training are subject to the ACCES-VR Policy 1125.00 Consumer Participation in the Cost of Services.

Comparable Benefits

1. Staff will need to determine if the particular course of instruction is eligible for publicly supported financial assistance. If so, the individual must be required to apply for this assistance, typically TAP and PELL grants.
2. If the individual is in default of a student loan, financial aid including Pell and TAP will not be available to the individual for that course of instruction. The individual must be advised that in order to receive ACCES-VR funding for course work that is eligible for TAP and/or PELL funding, he/she must establish a repayment plan with HESC and reestablish eligibility for Financial Aid. ACCES-VR staff will provide each individual who is in default with a fact sheet from the New York State Higher Education Services Corporation (HESC) on their Repayment Assistance Program.
3. ACCES-VR is prohibited from paying for any training or related services for a course of instruction which is eligible for financial aid for an individual who owes a refund on a grant or is in default of a student loan unless the individual makes maximum effort to resolve the default. Maximum effort means that the consumer must work out a satisfactory repayment plan with the Higher Education Services Corporation, lending institution or grantor and reestablish eligibility for financial aid.
4. Individuals are to be instructed to contact HESC's Income Contingent Unit at 1-800-666-0991 or (518) 474-0054 to work out an affordable repayment plan. The repayment plan will be based on the individual's ability to pay. After six consecutive monthly payments, the individual may request consideration of reestablishing eligibility for Federal Financial Aid.

5. If an individual is not eligible to receive financial aid due to failure to register for Selective Service, the counseling staff must advise the individual to register with the Selective Service. This action on the part of the individual must be taken prior to approval of ACCES-VR funding for training. Individuals must provide documentation that they have registered and have become eligible for Financial Aid.

Refund Policy

1. Refunds must be sought when an individual withdraws from a course of study.
2. For licensed or registered schools, the amount of the refund will be determined by the enrollment agreement.
3. Individuals who decide to withdraw from a course of study should be advised that they must comply with the withdrawal policy of the school and provide timely notification to both the school and the ACCES-VR Counselor. If the school's refund policy requires a written notice of withdrawal, the individual should be instructed to provide ACCES-VR with a copy of the written notice.
4. The method and the amount of any refund must be documented in a Chronological Case Note.

Documentation

The Services Option Header in the IPE Development Case Note or the IPE Development for Changes Case Note must be used to clearly describe the planning process.

The following options exist within that case note, for the CaMS application:

1. The school is regulated under Article 101 of the Education Law and is included on the BPSS listing on the web site.
2. The school is regulated under Article 101 of the Education Law but is not included on the BPSS listing on the web site. The Provider Review Unit has confirmed licensing/certification with BPSS.
3. It has been confirmed that the school is licensed, registered, or approved by:
 - A. the Department of Motor Vehicles,
 - B. the Division of Criminal Justice Services,
 - C. the Department of Insurance,
 - D. the Department of Health,
 - E. the Federal Aviation Administration (FAA),
 - F. a nationally recognized accrediting body (indicate),
 - G. the State Education Department Office of the Professions,
 - H. the State Education Department Office of Elementary, Middle, Secondary and Continuing Education, or
 - I. Other (indicate).
4. The school does not fall under the purview of any state agency or licensing authority and is exempt from any licensing or registration requirements. Provider Review has approved the school for sponsorship for this individual.