EDUCATION AND LABOR CABINET
Department of Workforce Development
Office of Vocational Rehabilitation
(Amended at ARRS Committee)

781 KAR 1:001. Definitions.

RELATES TO: KRS 151B.185, 151B.190, 151B.195, 151B.200, 34 C.F.R. Part 361, 29 U.S.C. 721, 722, 723

STATUTORY AUTHORITY: KRS 151B.185, 151B.195(1), 151B.200

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195(1) requires the Executive Director of the Office of Vocational Rehabilitation to promulgate regulations governing the services and administration of the State Vocational Rehabilitation Agency. KRS 151B.200 authorizes the office to comply with federal acts relating to vocational rehabilitation when these acts apply to joint state and federally funded vocational rehabilitation programs. KRS 151B.195(1) requires the Executive Director of the Office of Vocational Rehabilitation to promulgate administrative regulations governing services, personnel, and administration of the State Vocational Rehabilitation Agency. This administrative regulation establishes the definitions needed for the provision of rehabilitation services.

Section 1. Definitions.

(1) "Acute*"* or *"*emergency medical conditions" ***means*~~*are*~~** accidents or illnesses with sudden onset and relatively short course.

(2) "Administrative hearing" is defined by KRS 13B.010(2).

(3) "Administrative review" means an informal process through which office personnel not involved in the initial office decision conduct a review of an office decision to ensure the decision complies with office policy.

(4) "Assistive technology specialist" means an individual who analyzes the needs of individuals with disabilities, assists in the selection of the appropriate assistive technology, and trains the eligible individual on how to properly use the specific equipment.

(5) "Attendant Factors" ***means*~~*are*~~** factors not directly resulting from a disability that affect the individual's ability to obtain, maintain, or progress in employment.

(6) "Case record" means the official written or electronic record of the vocational rehabilitation case of an applicant, potentially eligible, or eligible individual.

(7) "Certified driver rehabilitation specialist" means a driver rehabilitation specialist who has obtained certification to provide services from the Association for Driver Rehabilitation Specialists.

(8) "Clear and convincing evidence" means a firm belief that a factual contention is highly probable.

(9) "Client Assistance Program *or* ~~*(*~~ *"* ~~*)*~~ *"* (CAP) *"* is defined in 29 U.S.C. 732.

(10) ~~**(9)**~~ "Comparable services and benefits" is defined in 34 C.F.R. 361.5(c)(8).

(11) ~~**(10)**~~ "Comprehensive Transition and Postsecondary Program" (CTP) means a program designated by the United States Department of Education under 34 C.F.R. 668.231(a).

(12) ~~**(11)**~~ "Competitive integrated employment" is defined by 34 C.F.R. 361.5(c)(9).

(13) ~~**(12)**~~ "Content tutoring" means instruction to improve performance in a specific course or subject when the academic difficulty is not caused by a disability.

(14) ~~**(13)**~~ "Disability-related tutoring" means tutoring, instruction, or programs specifically designed to address academic limitations that result from a disability and that

are necessary for the individual to benefit from training or to achieve the employment outcome.

(15) ~~**[(14)]**~~ "Driver evaluation" means a clinical and behind-the-wheel evaluation by a certified driver rehabilitation specialist to identify an eligible individual's driver rehabilitation needs to allow that person to drive independently.

(16) ~~**[(15)]**~~ "Driver training" means behind-the-wheel instruction required to teach an individual with a disability to drive with or without vehicle modifications.

(17) ~~**[(16)]**~~ "Educational assistance services" means reader services, note-taking assistance, page turning, typing, recording, securing reference materials, or similar support necessary for the individual to participate in training or education programs.

(18) ~~**[(17)]**~~ "Educational aide" means an approved vendor who provides educational assistance services ~~*[under this section]*~~.

(19) ~~**[(18)]**~~ "Electronic communication" ***means***~~*[includes, but is not limited to]*~~ email, fax, and Short Message Service, and text messaging.

(20) ~~**[(19)]**~~ "Eligible individual" is defined by 34 C.F.R. 361.5(c)(14).

(21) ~~**[(20)]**~~ "Employment outcome" is defined by 34 C.F.R. 361.5(c)(15).

(22) ~~**[(21)]**~~ "Executive director" means the Executive Director of the Office of Vocational Rehabilitation.

(23) ~~**[(22)]**~~ "Extended driver evaluation" means additional evaluation necessary in those cases in which an individual's ability to drive cannot be determined after a driver evaluation.

(24) ~~**[(23)]**~~ "Family member" is defined by 34 C.F.R. 361.5(c)(22).

(25) ~~**[(24)]**~~ "Financial participation" means the amount the eligible individual ***shall***~~*[must]*~~ pay for cost sharing between the office and the eligible individual for an authorized good or service.

(26) ~~**[(25)]**~~ "Functional capacity" means the capacity to perform tasks required in employment including:

(a) Mobility;

(b) Communication;

(c) Self-care;

(d) Self-direction;

(e) Interpersonal skills;

(f) Work tolerance; or

(g) Work skills.

(27) ~~**[(26)]**~~ "Hearing officer" is defined by KRS 13B.010(5).

(28) ~~**[(27)]**~~ "Household size" is calculated using the individual's most recent federal income tax return, and means:

(a) If the individual is not claimed as a tax dependent for purposes of filing federal taxes, the individual, the individual's spouse, if legally married, and the individual's tax dependents; or

(b) If the individual is claimed as a dependent for purposes of filing federal taxes, the individual, any persons claiming the individual as a dependent, and any other dependents the tax filer claims.

(29) ~~**[(28)]**~~ "Individual" ***means***~~*[is]*~~ a disabled person who is applying, potentially eligible, or eligible for vocational rehabilitation services in Kentucky.

(30) ~~**[(29)]**~~ "Individual with a disability" is defined by 34 C.F.R. 361.5(c)(27) and 34 C.F.R. 361.5(c)(28).

(31) ~~**[(30)]**~~ "Individual with a most significant disability" is defined in 34 C.F.R. 361.5(c)(29).

(32) ~~**[(31)]**~~ "Individual with a significant disability" is defined in 34 C.F.R. 361.5(c)(30).

(33) ~~**[(32)]**~~ "Individualized plan for employment" means a written plan for a specific employment outcome as required by 34 C.F.R. 361.46.

(34) ~~**[(33)]**~~ "Informed choice" means the applicant, potentially eligible individual, and eligible individual's right to receive information and support that allows them to make informed decisions about their case throughout the vocational rehabilitation process including ~~***[but not limited to]***~~ the choice of service provider as set forth in 34 C.F.R. 361.52.

(35) ~~**[(34)]**~~ "In state service" means a vocational rehabilitation service that is provided in Kentucky.

(36) ~~**[(35)]**~~ "Mediation" is defined by 34 C.F.R. 361.5(c)(35).

~~**[(36)] ["Non-significant disability" means a disability that does not limit a functional capacity.]**~~

(37) "Office" means the Office of Vocational Rehabilitation and its staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

(38) "Personal assistance services" is defined by 34 C.F.R. 361.5(c)(38).

(39) "Physical or mental impairment" is defined by 34 C.F.R. 361.5(c)(40).

(40) "Pre-employment transition services (Pre-ETS)" means the set of early career exploration services identified in 34 C.F.R. 361.48(a)(2).

(41) "Post-employment services" is defined by 34 C.F.R. 361.5(c)(41).

(42) "Post-secondary education" means academic or vocational training provided by an accredited post-secondary institution, including universities, colleges, community and technical colleges, and proprietary schools which leads to an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the Commonwealth of Kentucky or federal government, or an associate or baccalaureate degree.

(43) "Post-Secondary Transition Program" (PSTP) means a two (2) or three (3) year work-readiness and employment-skills training program operated by a post-secondary institution that is a CTP.

(44) "Potentially eligible student" means a student with a disability between the ages of ***fourteen (14) and twenty-one (21)***~~***[14 and 21]***~~ who has not applied for or been determined eligible for vocational rehabilitation services.

(45) "Remediation" means instruction intended to address basic educational deficiencies not caused by the individual's disability.

(46) "Secretary" means the Secretary of the Education and Labor Cabinet.

(47) "Serious limitation" means the individual frequently requires assistance from others, personal adaptations, assistive technology ***or***~~***[and/or]***~~ accommodations not typically needed for other workers to participate in employment.

(48) "Service fee" means the standard rate of pay established by the office for vocational rehabilitation services and goods.

(49) "Service Fee Memorandum" means the document used to communicate the service fees to vendors.

(50) "Structural addition" means any improvement to real property that would increase the square footage or footprint of the property.

(51) "Student with a disability" means an individual who is ***fourteen (14) to twenty-one (21)***~~***[14- 21]***~~years of age and is eligible for and receiving special education or related services under the Individuals with Disabilities Education Act or is an individual with a disability for purposes of Section 504 of the Rehabilitation Act.

(52) "Substantial impediment to employment" is defined by 34 C.F.R. 361.5(c)(52).

(53) "Tutorial services" means individualized instruction provided to improve academic performance or address disability-related barriers to participation in a training or educational program.

(54) "Vendor" means a person or entity:

(a) The office has determined meets the service provider standards established by the office and has executed a vendor agreement with the office;~~,~~ or

(b) From which the office has agreed to purchase goods or services.

(55) "Vocational rehabilitation services" is defined by 34 C.F.R. 361.5(c)(57).

(781 KAR 001:001. 52 Ky.R. 1467, 1844, 2053; eff. 7-6-2026.)

FILED WITH LRC: May 12, 2026

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