

Memorandum

TO: Vocational Rehabilitation Counselors
CC: Vocational Rehabilitation Specialists, Kris Peterson
FROM: Glenn Morton
DATE: August 20, 2004
SUBJECT: Meeting Announcement & Results of July 30, 2004 Meeting

The next informal meeting between court staff and certified vocational rehabilitation counselors is scheduled for Friday, August 27, 2004, at 2:00 pm. The meeting will be held at the court's new administrative facilities at 1221 "N" Street, Suite 402, in Lincoln (TierOne Center). Please come and check out our new facilities!

The following are the results of the discussions at the July 30, 2004 meeting. If you have questions or concerns about any of this please let me know prior to the next meeting and they will be addressed at that time.

1. Previous meeting outcomes. The memorandum from Glenn Morton dated July 14, 2004 documenting the outcome of the meeting on June 25, 2004 was raised for discussion.

a. ESL - classwork vs. tutoring. There was agreement at the June 25, 2004 meeting that "tutoring" means individual one-on-one instruction, and that tutoring is intended to supplement ESL classes rather than being the only component of a plan. However, the court's specialists have noted instances in which group tutoring is occurring with the court being billed at what is apparently one-on-one rates.

This led to further discussion as to the appropriateness of small group instruction for tutoring purposes, as opposed to one-on-one tutoring, and whether tutoring could, in some instances, be the only component of a plan. As a result, it was recognized that the type of instruction normally done in one-one-one tutoring can also occur in a group setting, and that this can be beneficial in some cases. It was also recognized that while tutoring should in most instances be done in conjunction with ESL classes, exceptions may be appropriate on a case by case basis. In the future, counselors will identify the following when proposing a plan involving tutoring:

- (1) Whether the tutoring will involve group instruction or one-on-one training,
- (2) If group instruction will be involved, the number of students,
- (3) The qualifications/background of the instructor, and
- (4) Where and when the tutoring will occur.

b. Grade transcripts and class schedules. There was further discussion regarding the

decisions made at the June 25, 2004 meeting relating to the reporting of grades and class schedules. Some counselors were of the opinion that those decisions did not go far enough to insure that the needed information is obtained and reported, and felt that the court recommended form should be mandatory. However, it was decided to stay with the decisions made at that meeting and see how it works. If problems persist then this can be addressed again at a later date.

2. Protected student information. Patricia Reilly raised the issue of restricted student information under federal privacy laws. She cautioned all counselors to be careful to have a release from the employee before sharing grades.
3. Employee signatures. Kris Peterson noted that the court has received a report from a law firm that at least one counselor is having employees sign blank plan forms, to be filled in later by the counselor. There was unanimous agreement that this is completely unacceptable and will not be tolerated.
4. List Serve notices. It was suggested during the meeting on June 25, 2004 that perhaps the court could send out a "list serve" type notice reminding counselors before grade transcripts and class schedules are due. It was recognized, however, that this would be too burdensome given that school terms do not all start at the same times.
5. Future meetings. There was discussion regarding the dates and nature of future meetings, with the following outcomes:
 - a. We will not meet in September or November. Meetings are tentatively scheduled for October 22, 2004 and December 3, 2004. We will then decide whether to continue meeting every two months or perhaps quarterly.
 - b. We will no longer spend so much time at the beginning of each meeting reviewing the outcomes of the previous meeting. Counselors will be advised that any questions or concerns regarding any decision should be identified prior to the next meeting. Any such questions or concerns will be addressed at the next meeting. Otherwise, we will move on.
 - c. We will clearly identify the agenda item or items to be addressed at each meeting. This will allow participants to know in advance what issues will be discussed and to plan accordingly. We will deal only with the identified agenda item or items, and will adjourn once those are addressed.
6. Next meeting agenda item(s). At the next meeting on August 27, 2004 we will address:

Reporting to the court. What type of reporting to the court is appropriate on a regular basis? Rule 37,B addresses monthly reports, Rule 37,D addresses notice to the court if an employee fails to make satisfactory progress or discontinues participating in an approved plan, and Rule 37,E addresses notification to the court upon termination of services or case closure. Are there questions regarding the current requirements for these reports and

are changes needed? What type of reporting or updating is it appropriate for the court's specialists to request in monitoring a plan?

7. Future meeting agenda items. The following topics will be addressed at future meetings, not necessarily in this order. Please bring any suggestions for additional items to my attention.

a. Procedural steps. What steps will be taken should there be a continuing failure by a counselor to insure that the required grade transcripts and class schedules are submitted to the court in a timely manner? What will be the steps for determining a violation of the new ethical standards, and what role, if any, will the CRCC Ethics Committee play in considering possible violations of the CRCC Code of Professional Ethics? What are reasonable due process steps for addressing other alleged violations of a statute, rule, or procedural requirement? [Note: For background information see the outcomes memorandum from the June 25, 2004 meeting.]

b. Transferable skills. Initial discussion began on this topic at the June 25, 2004 meeting, but no substantive decisions were reached.

c. Job goals for ESL/GED/ABE. The court's current policy for ESL and GED is that vocational goals are not mandatory since the focus is on general employability, and that if ESL or GED is a first step in formal retraining the counselor may submit one consolidated plan or two separate plans at the same time. The court's current position for ABE or remedial programs is that they may be a component of a retraining plan but do not constitute retraining in and of themselves. Should the policies for ESL, GED, and ABE be the same and why or why not? Is the court's current policy regarding ESL and GED consistent with statute section 48-162.01(3)(e) and Rules 44,B,3,e and 44,C?

d. Services outside a plan. Under what circumstances, if any, is it appropriate for a counselor to provide vocational rehabilitation services outside the context of an approved plan? If it is appropriate, what are the notice and reporting requirements? Rule 36,B provides that all voluntary vocational rehabilitation plans must have prior approval of the court's vocational rehabilitation specialists. Is this a question of what services are and are not part of a vocational rehabilitation plan? If so, what services are and are not in fact part of a plan? Is it acceptable for a counselor to provide job placement services before or after the date of an approved plan?

e. Counselor/job placement specialist certification process.