

## Memorandum

To: All Certified Vocational Rehabilitation Counselors  
Cc: Vocational Rehabilitation Specialists, Kris Peterson  
From: Glenn Morton, Court Administrator  
Re: Reporting of Grades and Class Schedules  
Date: March 2, 2010

For some time now, the court has experienced problems in receiving appropriate and timely information regarding grades and class schedules as required by Rule 37,B. This issue has been discussed repeatedly during quarterly meetings with the counselors and court specialists, ultimately resulting in the current court policy which is attached.

This policy provides that the required information, as listed, must be provided on or before the first day of the next training period, or the counselor must advise the court of any extenuating circumstances or request assistance from the court prior to that date. Otherwise, a warning letter will be sent to the employee, counselor, and all parties. Only one such warning letter will be sent during the life of a plan, and any further failure to submit the required information by the due date will result in the cancellation of a voluntary plan or the filing of a motion to terminate a court ordered plan.

Despite this policy problems persist regarding grades and class schedules not being timely reported, and classes being reported that are not on the plan of study without an explanation being given (e.g., electives or substitutions not identified). A number of warning letters have recently gone out under this policy, resulting in concerns being expressed by some counselors regarding the policy or the wording of the letter.

I must stress at this point that an effective and long term solution simply must be found to this problem. It is critical to the success of any plan that both the counselor and court specialist carefully monitor the employee's progress in a plan, including both grades received and classes taken. Unfortunately, not all counselors have accepted this responsibility or given it the attention it deserves. Therefore, I must also stress my firm belief that it is the counselor's responsibility to insure that the reporting requirements are met. Repeated failure of a counselor to do so will justify action under Rule 39,D (failure to provide competent vocational rehabilitation services) and under Rule 39,D,6 (failure to comply with the reporting requirements of Rule 37).

As a further attempt to address this problem I have now instructed the court specialists to inform me of any future failure of a counselor to satisfy the reporting requirements. If appropriate, I will then contact the counselor personally to discuss the issue. I have also directed the court specialists and accounting staff to deny any payment for a class which does not clearly comply with the plan of study. As a practical matter, I would strongly encourage counselors to use the plan of study spreadsheet template which is available on the court's web site. This spreadsheet is now being used successfully by a number of counselors, and has made tracking of progress and changes much easier for both the

counselor and court staff. Any of the court's specialists would be happy to discuss the use of the spreadsheet with you.

Having said the above, I am also not entirely comfortable with the current policy as it relates to warning letters and cancellation or termination of a plan. Further revisions to the policy or reporting procedures will be considered at the next quarterly counselor/specialist meeting. This is now set for April 16, 2010, rather than April 30, 2010 as previously announced, due to a conflict with a state holiday.

Lastly, please note that a public hearing to receive input on proposed revisions to the court's rules of procedure is scheduled for April 28, 2010. A proposal to consider amending Rule 37,B as shown on the second attachment will be considered at that hearing. No other changes to the vocational rehabilitation rules are contemplated at this time, but requests for other changes may be directed to my attention. Formal notice of the proposed changes must go out by March 28, 2010, so any such requests should be submitted as soon as possible to allow adequate time for consideration by the court staff.