

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF HUMAN SERVICES  
REHABILITATION SERVICES DIVISION**

**CHAPTER 1240-08-11  
SUPPORTED EMPLOYMENT SERVICES PROGRAM**

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**1240-08-11-.01 PURPOSE.**

The Department of Human Services, Division of Rehabilitation Services (DRS), Vocational Rehabilitation (VR) Program is the designated state entity for the administration of Supported Employment Services under Title VI of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act. This chapter sets forth the guidelines of the VR Program for Supported Employment Services.

**Authority:** T.C.A. §§ 4-5-202 and 71-1-105(a)(12); PL 93-112, as amended by PL 99-506; and 34 C.F.R. §§ 361 and 363.1, et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009. Amendments filed February 29, 2024; effective May 29, 2024.

**1240-08-11-.02 DEFINITIONS.**

- (1) "Supported Employment" means competitive integrated employment including customized employment when appropriate, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized and customized consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities:
  - (a) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and
  - (b) Who, because of the nature and severity of their disabilities, need intensive supported employment and extended services after the transition from support provided by VR, in order to perform this work; or
  - (c) Who may require transitional employment services for individuals with the most significant disabilities due to mental illness consisting of sequential placement and support, coordination with mental health services to integrate an individual's mental health treatment with career development and placement, and job stabilization.
- (2) "Extended Services" means ongoing job supports and other appropriate services that are:
  - (a) Needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;

(Rule 1240-08-11-.02, continued)

- (b) Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;
  - (c) Based on the needs of an eligible individual, as specified in an IPE;
  - (d) Provided by a State agency other than VR, a private nonprofit organization, employer, or any other appropriate resource, including natural supports, after an individual is stable on the job and has made the transition from support from VR;
  - (e) Provided at a minimum, twice-monthly monitoring at the worksite, or under specific circumstances, off-site monitoring, of each individual in supported employment to assess employment stability and to provide for the coordination and provision of specific services at or away from the worksite that are needed to maintain employment stability;
  - (f) Provided to a youth with a most significant disability for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first. VR may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.
- (3) "Plan for Supported Employment" means an IPE developed in accordance with Rule 1240-08-04-.03 that also:
- (a) Specifies the supported employment services to be provided by VR;
  - (b) Specifies the expected extended services needed, which may include natural supports;
  - (c) Identifies the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, includes a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
  - (d) Provides for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;
  - (e) Provides for the coordination of services provided under an IPE with services provided under other individualized plans established under other Federal or State programs;
  - (f) To the extent that job skills training is provided, identifies that the training will be provided on site; and
  - (g) Includes placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

**Authority:** T.C.A. §§ 4-5-202 and 71-1-105(a)(12); PL 93-112, as amended by PL 99-506; and 34 C.F.R. §§ 361, 361.5, and 363.6. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009. Amendments filed October 5, 2017; effective January 3, 2018. Amendments filed February 29, 2024; effective May 29, 2024.

**1240-08-11-.03 ELIGIBILITY FOR SUPPORTED EMPLOYMENT.**

- (1) The VR Counselor determines eligibility for supported employment based on an exploration, including a review of existing information, of the individual's abilities, capabilities, and capacity to perform in work situations.
- (2) An individual who is eligible for supported employment must meet the eligibility criteria for VR services in Rule 1240-08-04-.02. The individual must also be placed in the Most Significantly Disabled Category as outlined in Rule 1240-08-05-.01.

**Authority:** T.C.A. §§ 4-5-202 and 71-1-105(a)(12); PL 93-112, as amended by PL 99-506; and 34 C.F.R. §§ 361, 361.5, and 363.1, et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009. Amendments filed October 5, 2017; effective January 3, 2018. Amendments filed February 29, 2024; effective May 29, 2024.

**1240-08-11-.04 PROVISION OF SERVICES.**

- (1) Supported employment services are provided on-the-job following a determination by VR and a registered CRP of an eligible individual's rehabilitation, employment, and ongoing support needs and described in an IPE plan for supported employment. Supported employment services under the federal grant include job training, services required because of the individual's intensive support needs on the job, and ongoing job supports.
- (2) Supported employment services may be provided by VR for a period of time not to exceed twenty-four (24) months unless, under special circumstances, the eligible individual and the VR Counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE.
- (3) Supported employment services must be provided in accordance with VR requirements by a registered CRP with the appropriate training certification.
- (4) Part-time placements of less than fifteen (15) hours per week must be approved by VR for meeting all CIE requirements.
- (5) Ongoing job supports are based on individual need required to support and maintain an individual with a most significant disability in supported employment and furnished by VR from the time of job placement until the individual is stable on the job and transitions from VR services to extended services. An individual is considered to be stable on the job when ongoing job supports have been reduced to a minimum for the individual to maintain employment.
- (6) Post-employment services may be provided in accordance with Rule 1240-08-04-.07.
- (7) Extended services determined to be necessary for an individual to maintain employment are provided by a State agency other than VR, a private nonprofit organization, employer, or any other appropriate resource, including natural supports.
- (8) Extended services for youth may be funded by a State agency other than VR or other resources; provided by natural supports; or funded by VR provided there are no other means of funding for providing the extended services and the youth has not declined VR providing extended services. If VR funds extended services for a youth with a disability, the case will not be closed until the time period for providing extended services ends.

**Authority:** T.C.A. §§ 4-5-202 and 71-1-105(a)(12); PL 93-112, as amended by PL 99-506; and 34 C.F.R. §§ 361, 361.5, and 363.1, et seq. **Administrative History:** Original rule filed August 22, 1988; effective

(Rule 1240-08-11-.04, continued)

*November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009. Amendments filed October 5, 2017; effective January 3, 2018. Amendments filed February 29, 2024; effective May 29, 2024.*

**1240-08-11-.05 CASE CLOSURE.**

- (1) An individual is considered to have achieved a successful supported employment outcome when the individual has achieved CIE; completed all supported employment services based on the individual's strengths, abilities and interests and as listed on the individual's IPE; transitioned to extended services; and maintained employment for at least ninety (90) days after transitioning to extended services.
- (2) The decision for closing a case will be made by VR on an individual basis in accordance with VR policy.

**Authority:** T.C.A. §§ 4-5-202 and 71-1-105(a)(12); PL 93-112, as amended by PL 99-506; and 34 C.F.R. §§ 361 and 363.1, et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009. Amendments filed February 29, 2024; effective May 29, 2024.