STATE OF NEW YORK DEPARTMENT OF EDUCATION Adult Career and Continuing Education Services Vocational Rehabilitation (ACCES-VR)



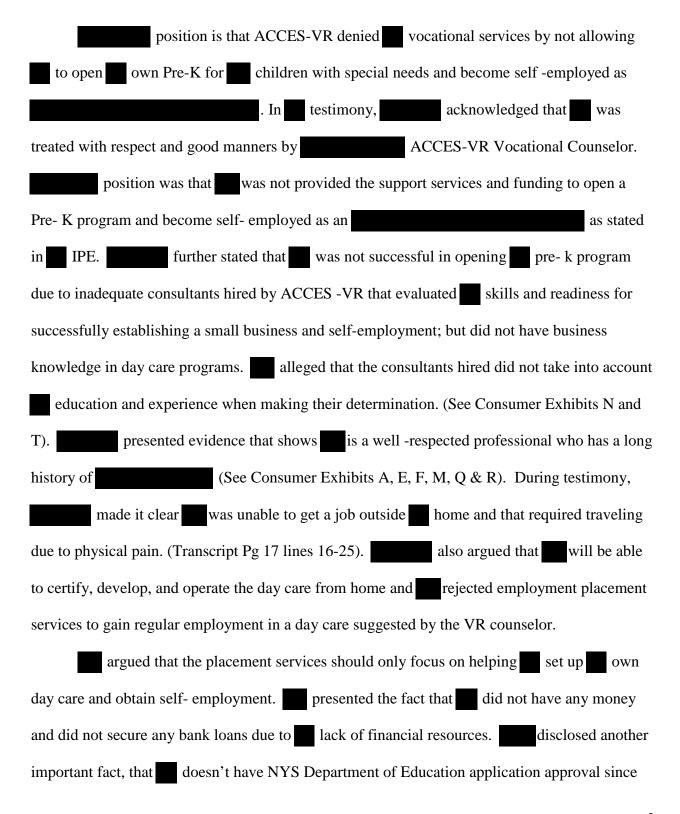
In the Matter of Petitioner, Against
Adult Career and Continuing Education Services Vocational Rehabilitation ACCESS Respondent
Before: Impartial Hearing Offficer
The undersigned was designated by the State Education Department/Adult Caree and Continuing Education Services. Vocational Rehabilitation (ACCES-VR) to serve as the Impartial Hearing Officer in the matter above.
Due to notice thereof having been given, a hearing was conducted on at the ACCES-VR Present at the hearing:
For petitioner: Petitioner
For ACCES-VR: Director of Counseling, Senior Rehabilitation Counselor Vocational Rehabilitation Counselor
The Leave

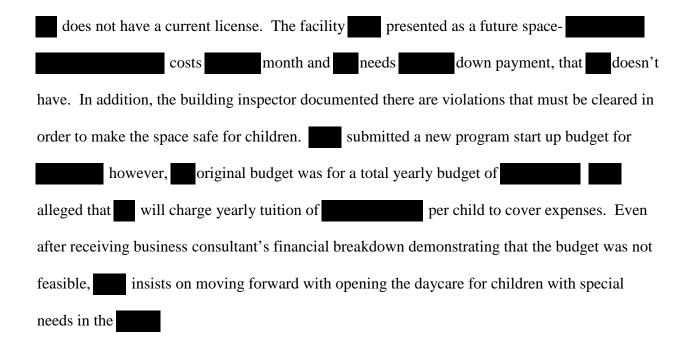
The Issue

Whether ACCES-VR properly denied petitioner's request for self/employment/small business sponsorship, to open own Pre-K program for children with special needs in the and be the Educational Program Administrator.

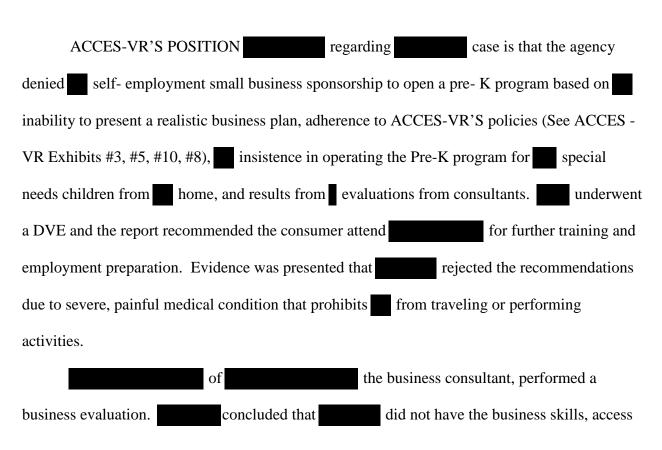
Testimony

Consumer's position





ACCES-VR'S POSITION



or state and city certifications to realistically open and operate the Pre-K program for children with special needs.

ACCES-VR submitted into evidence report indicating that financial projections did not mathematically indicate a viable, realistic, profitable business. (See ACCES-VR Exhibit #17). developed the the goal of before became counselor. (See ACCES-VR Exhibit #12). ACCES-VR presented evidence that failure to secure any funding to establish the day care business although did get a loan of ACCES-VR presented many concerns regarding goal of opening a Pre-K for children with special needs in the submitted evidence concern, that plans to run the daycare remotely, (without leaving the home) and teachers, teacher's assistants and a is unrealistic. expressed that data shows that running a business and supervising staff requires hands on work. ACCES-VR presented evidence from is unable to perform any work due to medical condition. (See ACCES-VR states Exhibit #13). Based on evaluations and evidence, ACCES-VR denied sponsorship for self-employment.

FINDINGS OF FACTS AND DISCUSSION

The main issue in this case is that ACCESS-VR denied consumer self-employment sponsorship to open a pre- K program for children with special needs in the (See ACCES-VR Exhibit #12), with the work goal of educational program administrator.

During the hearing, presented as a matured, eloquent individual with a legitimate desire to

receive the Access-VR services to provide with funding to open a day care. The evidence shows ACCES-VR followed the vocational goal of self- employment. IPE was developed and signed by all parties with clear goals and sponsorship parameters. Despite the aforementioned, did not seem to understand need to to able to implement the business plan, work with a realistic budget and physically be mostly present in the day to day operation of the business. (See ACCES-VR Exhibit #13). During the hearing, Access-VR presented evidence that medical history and inability to supervise the operation in person is a barrier to self- employment and running a business. It was clear severe pain and low endurance for physical activities were significant issues that prevent from starting up, operating, and sustain slots for a pre- k program.

During the hearing, it was clearly established that receive some vocational/placement services, however, the service providers and ACCES-VR counselors conclude goal was not realistic. From testimony and evidence presented at the hearing had a limited work history in education as a for only was not able to establish a Pre K program for children with special needs. had no evidence of capacity to start up, establish and sustain and make a profit running a pre- K daycare.

The agency provided evidence that received vocational counseling and evaluations to help form meet goal according to the IPE. In fact, it was clearly documented that rejected any additional business courses to gain skills in this area. Most case notes admitted into evidence show that received vocational counseling and support from ACCES-VR and counselor Counselor presented concerns and evidence that was not able to operate a daycare business. It is clear from all the evidence presented in this case notes;

However, was firm about professional decision not to sponsor for self-employment. As a vocational counselor, provided sufficient evidence to support decision. Despite all the evidence presented that demonstrated did not have the resources, physical ability, and business skills to open and operate a pre-k program, continued to state opening the daycare as only vocational goal.

Despite deducation and work experience presented during the hearing, continues to be passionate about opening a Pre-K program for children with special needs with ACCES-VR sponsorship.

LAWS REGULATIONS AND POLICIES

was determined eligible for vocational rehabilitation services under Policy (202.00).

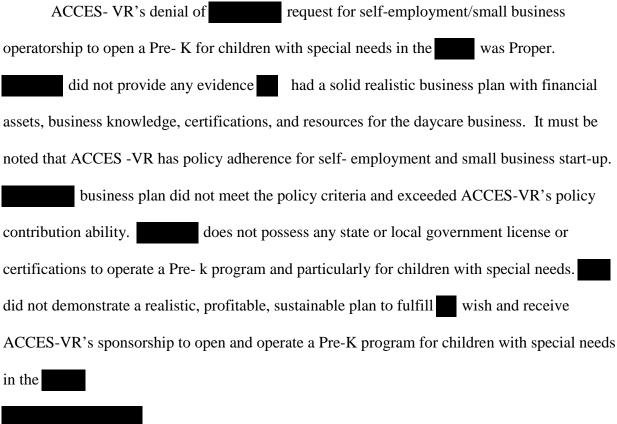
was determine eligible for vocational rehabilitation services under Policy (202.00). Eligibility for Services and developed an IPE dated (See ACCES-VR Exhibit 12). The development of the IPE was based on adherence to ACCES-VR Policy (206.00) Individualized Plan for Employment. According to evidence presented, the IPE has the goal of: Educational Administrator, with the possibility of self-employment sponsorship pending vocational evaluations. According to Self-Employment Policy (1301.00), the outcome of establishing a self-employment venture relies on the partnership between ACCES-VR and the consumer. In this case, the ultimate goal of self-employment venture is for to receive the services under the IPE, establish day care program, and become financially independent. Policy (1301.00) requires that ACCES-VR/consumer partnership create a self-employment venture that includes: a significant commitment of time and resources, a realistic first-year business plan,

evaluation of plan by an outside expert, and understanding by ACCES-VR of the potential need for extended time to implement the self-employment rehabilitation.

ACCES-VR provided testimonies and documentation showing the ACCES-VR fully adhered to the policies and procedures in providing adequate VR counseling/
placement services to successfully gain employment as per IPE (See ACCES-VR Exhibit #7, #8, #11, #14).

Decision

After listening to all testimonies during hearing, and carefully reviewing all the facts, evidence, policies, and regulations, and laws relating to this case, I as the Hearing Officer have decided the following:



Impartial Hearing Officer

APPEAL NOTICE

PLEASE TAKE NOTICE: This decision is final. If you disagree with this decision, you may seek a judicial review through an action in a court of competent jurisdiction.

EXHIBITS

A	LETTER OF SUPPORT
В	NEW PROJECTED BUDGET
C	BUSINESS PLAN FOR SPECIAL ED CHILDREN-
D	2 YEAR BUDGET BUSINESS PLAN
E	E-MAIL LETTER OF REFERENCE FROM
F	CONSULTANCY LETTER FROM
G	E-MAIL COMMUNICATION WITH
Н	PROPOSAL & E-MAIL TO
I	BLANK PRE-SCHOOL APPLICATION -
J	EVALUATION CRITERIA INITIAL APPLICATION
K	
L	LETTER FROM
M	LETTER FROM
N	
O	BROCHURE
P	VOLUNTEER AGREEMENT
Q	LETTER OF RECOMMENDATION-
R	LETTER OF RECOMMENDATION
S	CONSULTING AGREEMENT
T	
U	SITE VIABILITIY REPORT-
V	
W	E-MAIL
X	E-MAIL TO
Y	UNIVERSAL PRE-KINDERGARTEN SERVICES PROPOSAL FORM

ACCES-VR'S EXHIBITS

1	ELIGIBILITY DETERMINATION
2	ELIGIDIEIT I DETERMINITION
3	ELIGIBILITY POLICY
4	CASE NOTE-
5	CONSUMER INVOLVEMENT POLICY
6	CASE NOTE-
7	CASE NOTE -
8	CASE NOTE-
9	DIAGNOSTIC VOCATIONAL EVALUATION
10	ASSESSMENT POLICY
11	CASE NOTE-
12	IPE
13	DR'S LETTER & CASE NOTE
14	CASENOTES
15	REFERRAL TO BUSINESS CONSULTATION
16	
17	BUSINESS PLAN EVALUATION
18	SELF-EMPLOYMENT POLICY
19	CASE NOTES-