AN ACT

RELATING TO EXTENDED EMPLOYMENT SERVICES; AMENDING TITLE 33, IDAHO CODE, BY
THE ADDITION OF A NEW CHAPTER 62, TITLE 33, IDAHO CODE, TO DEFINE TERMS,
TO ESTABLISH AN EXTENDED EMPLOYMENT SERVICES PROGRAM, TO PROVIDE ELI-
GIBILITY REQUIREMENTS AND TO PROVIDE FOR PERIODIC REVIEW OF ELIGIBIL-
ITY, TO PROVIDE FOR COVERED SERVICES AND AN INDIVIDUAL PROGRAM PLAN, TO
ESTABLISH PROVISIONS REGARDING PROVIDERS OF EXTENDED EMPLOYMENT SER-
VICES, AND TO PROVIDE FOR PROGRAM IMPLEMENTATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
ter 62, Title 33, Idaho Code, and to read as follows:

CHAPTER 62
EXTENDED EMPLOYMENT SERVICES PROGRAM

33-6201. DEFINITIONS. As used in this chapter:
(1) "Board" means the state board of education.
(2) "Disability" means a developmental disability as defined in 45 CFR
1325.3 or a learning disability, mental illness, or traumatic brain injury
as defined in board rule.
(3) "Division" means the division of vocational rehabilitation.
(4) "Extended employment services" or "EES" means long-term main-
tenance services that assist participants in maintaining employment or
gaining employment skills in preparation for community employment or that
provide assistance to adult participants within an industry or a business
setting or a community rehabilitation program intended to maintain paid
employment. Extended employment services include individual supported em-
ployment, group community-based supported employment, and work services.
(5) "Group community-based supported employment" means self-employ-
ment or paid employment that is:
(a) For a group of no more than eight (8) participants who are paid at
least minimum wage and who, because of their disabilities, need ongoing
support to maintain employment;
(b) Conducted in a variety of community and industry settings where the
participants have opportunities to interact with coworkers or others
without known paid work supports at least to the extent that those op-
portunities typically exist in that work setting;
(c) Supported by training and supervision needed to maintain that em-
ployment; and
(d) Not conducted in the work services area of a provider.
(6) "Individual community-supported employment" means self-employ-
ment or paid employment:
(a) For which a participant is paid a competitive wage;
(b) For which the participant, because of the participant's disabili-
ity, needs ongoing support to maintain the employment;
(c) That is conducted in a community or industry setting where persons
without known paid work supports are employed; and
(d) Is supported by authorized activities needed to sustain paid work
by persons with disabilities, including but not limited to supervision,
training, and transportation.
(7) "Individual program plan" means a plan for extended employment ser-
VICES appropriate for an individual participant based on the participant's
needs and personal goals.
(8) "Participant" means a person eligible for and enrolled in the ex-
tended employment services program established pursuant to section 33-6202,
Idaho Code.
(9) "Program" means the extended employment services program estab-
lished pursuant to section 33-6202, Idaho Code.
(10) "Provider" means a community rehabilitation program services
provider approved by the division to provide extended employment services.
(11) "Work services" means activities, typically conducted on provider
premises, intended to assist participants in understanding the value and dem-
ands of work and developing functional capacities that increase or maintain
the skill sets of participants to achieve and maintain employment.

33-6202. PROGRAM ESTABLISHED. (1) There is hereby established in the
board an extended employment services (EES) program for the purpose of in-
creasing employment opportunities for program participants. The program
shall be administered by the division. Extended employment services offered
under the program are separate and apart from any federal program but may
be collaborative with and supportive of federal programs. Administrative
costs charged to the EES program shall be limited, subject to federal indi-
rect cost rate matching requirements, and subject to audit and review.
(2) Program services shall be:
(a) Provided when eligible individuals do not have access to comparable
services or have fully utilized comparable services for which they are
eligible; and
(b) Separate and apart from and delivered subsequent to vocational re-
habilitation services as defined in 29 U.S.C. 705(40), provided by the
division.

33-6203. ELIGIBILITY. (1) A person is eligible to participate in the
program if the person:
(a) Has a disability that constitutes a barrier to maintaining paid em-
ployment without long-term vocational support;
(b) Is sixteen (16) years of age or older; and
(c) Is an Idaho resident.
(2) The division may periodically review a participant's eligibility
and service level need for the program.
33-6204. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to available funding, the program shall provide the following services to participants, as appropriate:
   (a) Individual community-supported employment;
   (b) Group community-based supported employment; and
   (c) Work services.
(2) The services provided to a participant shall be based on the participant's individual program plan, as developed according to board rule.

33-6205. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL -- AGREEMENT REVIEW. (1) The division shall approve any person or entity before such person or entity may provide extended employment services under the program. The division shall enter an agreement with each program provider. The agreement shall specify:
   (a) Requirements for the provider;
   (b) Services to be offered by the provider;
   (c) Scope of work under the agreement;
   (d) Service fees; and
   (e) Other terms, conditions, and provisions as determined by the division and agreed to by the provider.
(2) The division may terminate or revoke the approval status and discontinue authorizing or purchasing services from providers for actions in violation of the agreement or rules promulgated by the board.
(3) A provider agreement shall be reviewed annually and is subject to revision as required by the division in cooperation with providers.

33-6206. PROGRAM IMPLEMENTATION. The board is hereby authorized to take such actions as are necessary to implement the provisions of this chapter, including promulgation of necessary rules.