

DI 14505.010 Policy for Section 301 Payments to Individuals Participating in a Vocational Rehabilitation or Similar Program

Citations:

Sections [225\(b\)](#) and [1631\(a\)\(6\)](#) of the Social Security Act, as amended; 20 CFR [404.316\(c\)](#), [404.327](#), [404.328](#), [404.337\(c\)](#), [404.352\(d\)](#), [404.902\(s\)](#), [404.1586\(g\)](#), [404.1596\(c\)\(2\)](#), [404.1597\(a\)](#), [416.1320\(d\)](#), [416.1331\(a\)](#) and [416.1331\(b\)](#), [416.1338](#), and [416.1402\(j\)](#) (as amended regulations effective July 25, 2005).

A. Policy for Section 301 payments eligibility

1. Identifying individuals eligible for Section 301 payments

Eligibility for payments under Section 301 applies to:

- Individuals receiving title II benefits based on disability, including Disability Insurance Benefits (DIB), Disabled Widow(er)'s Benefits (DWB), Childhood Disability Benefits (CDB), career railroad workers and/or Railroad Retirement Board annuitants; and
- Individuals receiving title XVI benefits based on disability or blindness, including age 18 recipients whose disability is determined to have ended because of an age-18 redetermination.

2. Eligibility requirements for Section 301 payments

An individual receiving title II or title XVI benefits based on disability or blindness must have been medically ceased or been determined to be ineligible due to an age 18 redetermination and meet all of the following requirements:

- The individual participates in an appropriate program of Vocational Rehabilitation (VR) services, employment services, or other support services;
- The individual began participating in the program before the month his or her disability or blindness ceased;
- The individual's participation in the program continues through the 2-month grace period after cessation; and
- We determined that the individual's completion of the program, or continuation in the program for a specified period-of-time, will increase the likelihood that the individual will not return to the disability or blindness benefit rolls.

3. When Section 301 payment eligibility ends

Section 301 payments to the individual and any auxiliaries, including Medicare, Medicaid, and State Supplementation (where applicable), will continue until one of the following things happen:

- a. the individual completes the program;
- b. the individual stops participation in the program for any reason (excluding temporary interruptions as defined in [DI 14505.010D](#)); or
- c. we determine that continued participation in the program will no longer increase the likelihood that the individual will not return to the disability or blindness benefit rolls.

The Office of Disability Operations (ODO) will make the determinations regarding initial and continuing eligibility under this provision after the Disability Determination Services (DDS) determines that disability or blindness has ceased as described in [DI 14510.003](#).

B. Policy for definition of an appropriate program

An appropriate program of VR services, employment services, or other support services is one of the following:

1. An individualized education plan (IEP) developed under policies and procedures approved by the Secretary of Education for assistance to States for the education of individuals with disabilities under the Individuals with Disabilities Education Act (IDEA), as amended. An individual must be age 18 through age 21 for this provision to apply. This provision is effective for Section 301 eligibility, determinations or decisions the Social Security Administration (SSA) makes on or after July 25, 2005.
2. A program carried out under an individual work plan (IWP) with an employment network under the Ticket to Work and Self-Sufficiency Program as described in [DI 55020.001B](#);
3. A program carried out under an individualized plan for employment (IPE) with a State VR agency (i.e., a State agency administering or supervising the administration of a State plan approved under title I of the Rehabilitation Act of 1973, as amended) as described in [DI 55020.001D](#);
4. A program carried out under an IPE with an organization administering a Vocational Rehabilitation Services Project for American Indians with Disabilities authorized under [section 121 of part C of title I of the Rehabilitation Act of 1973](#), as amended;
5. As of March 1, 2006, a Plan to Achieve Self-Support (PASS). (For additional information about PASS, see [SI 00870.010B](#).);

6. A program of VR services, employment services, or other support services carried out under a similar, individualized written employment plan with one of the following:

- a. An agency of the Federal government (e.g., SSA or the Department of Veterans Affairs), including a provider under an SSA demonstration project; such as PROMISE (Promoting the Readiness of Minors in Supplemental Security Income).

NOTE: PROMISE Treatment group participants are protected under this 301 provision. For more information on PROMISE, see the Department of Education's PROMISE website:

<http://www2.ed.gov/about/inits/ed/promise/index.html>.

- b. A one-stop delivery system or specialized one-stop center described in section 134(c) of the Workforce Investment Act of 1998; or
- c. Another provider of services approved by SSA; providers we may approve include, but not limited to:
 - A public or private organization with expertise in the delivery or coordination of VR services, employment services, or other support services; or
 - A public, private or parochial school that provides or coordinates a program of VR services, employment services, or other support services carried out under an individualized program or plan, including a written service plan established under Section 504 of the Rehabilitation Act of 1973.

C. Policy for participation in appropriate program

We determine that an individual is participating in an appropriate program, if the individual participates in the activities and services outlined in his or her IWP, IPE, or individualized written employment plan similar to an IPE, from a provider described in DI 14505.010B.

We determine a student age 18 through 21 receiving services under an IEP to be participating in the program if he or she is taking part in the activities and services outlined in the IEP.

We consider a student age 18 through 21 who is participating in an IEP and who leaves high school and begins participating in a VR or similar program within three full calendar months after the last day of the month he or she left school to be in one continuous period of participation.

ODO determines whether the individual participates in an appropriate program for purposes of Section 301 payments according per DI 14510.015.

D. Policy for interruption of participation in an appropriate program

We will determine that an individual is participating in a VR or similar program during interruptions of participation if the interruption is temporary. An interruption is temporary only if the individual resumes taking part in the activities and services outlined in his or her plan no more than three full calendar months after the last day of the month the interruption began.

Example of Interruption of Participation in an Appropriate Program:

Ms. Smith stopped taking part in the activities and services in her plan on January 13, 2006, and resumed taking part in such activities and services on April 27, 2006. We determine that she is participating during the interruption in the program because she resumed taking part in the activities and services less than three months after the last day of the month the interruption began. If Ms. Smith resumed taking part in the activities and services on May 1, 2006, we would determine that her participation in the program stopped when the interruption occurred (January 13, 2006) because she resumed taking part in the activities and services more than three full calendar months after the last day of the month the interruption began.

We determine a student age 18 through 21 who is participating in an IEP, leaves high school, and transitions to a VR or similar program no more than three full calendar months of the last day of the month he or she left school to be in one continuous period of participation.

E. Policy for continuing Section 301 payments

An individual who is no longer disabled or blind due to medical recovery and who is participating in an appropriate program is eligible for continuing payments under Section 301 **only** if completion or continuation of the program will increase the likelihood that the individual will remain permanently off the disability benefit rolls.

ODO determines whether an individual's completion or continuation of the VR or similar program will increase the likelihood that the individual will not return to the disability benefit rolls per [DI 14510.020](#).

For a student age 18 through 21 who participates in an IEP, ODO will automatically find that the student's completion of or continuation in the IEP will increase the likelihood the student will not return to the disability or blindness benefit rolls. For ODO procedures for making a likelihood determination see [DI 14510.020A](#).

Although a student participating in an IEP automatically meets the likelihood requirement, ODO must make a likelihood determination regarding participation in the VR program for students who leave high school and transition directly into a VR or

similar program no more than three full calendar months as described in [DI 14505.010C](#). ODO must also make likelihood determinations for students receiving services under a written service plan established under [Section 504 of the Rehabilitation Act of 1973](#).

F. Policy for other provisions that apply when an individual is eligible for Section 301 payments

1. Title II cases involving Section 301 payments

Do not process a work CDR for beneficiaries receiving Section 301 payments. Substantial gainful activity, the trial work period, and the extended period of eligibility do not apply to individuals receiving title II Section 301 continued payments due to participation in a VR or similar program. However, non-disability requirements for continued entitlement to or payment of title II benefits still apply.

2. Title XVI cases involving Section 301 payments

The individual must continue to meet all non-medical eligibility requirements such as income counting and resource limits to receive Section 301 payment continuation. For eligibility requirements under title XVI provisions see [SI 00501.001B](#).

All Supplemental Security Income work incentives also continue to apply such as:

- impairment related work expenses,
- blind work expenses, and
- the student earned income exclusion.

We may modify a PASS while an individual receives Section 301 payments. However, we cannot approve a new PASS after we determine the individual is no longer disabled or blind.

For FO instructions when an individual is working and receiving Section 301 payments, see [DI 14510.007D](#).

For ODO considerations when an individual is working and receiving Section 301 payments see [DI 14510.030A](#).

G. Policy for terminating Section 301 payments

Section 301 payments terminate effective with the month after the earliest of the following:

- The month that the individual completes the program;
 - The month that the individual stops participating in the program for any reason;
- or

- The month that we determine the individual's participation in the program will not or will no longer increase the likelihood that the individual will not return to the disability benefit rolls.

To Link to this section - Use this URL:

<http://policy.ssa.gov/poms.nsf/lnx/0414505010>

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