

Order of Selection (OOS) (34 CFR 361.36)

In the event projected fiscal and/or personnel resources of IDVR become inadequate to provide the full range of VR services as appropriate and to all eligible customers, the Administrator will implement the Division's Order of Selection (OOS) in accordance with the VR services portion of the State plan and Federal requirements.

Federal regulations require IDVR to ensure that customers with the most significant disabilities are served first. Priority categories are defined as follows:

Priority 1: Most Significant Disability (MSD)

The customer meets the criteria established for a significant disability; and:

1. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction, or work tolerance) in terms of an employment outcome; and
2. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time.

Priority 2 -Significant Disability (SD)

The customer meets the criteria established for a disability; and:

1. Experiences a severe physical and/or mental impairment that seriously limits one or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
2. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time.

Priority 3 -Disability (D)

The customer has a physical or mental impairment; and:

1. His/her impairment constitutes or results in a substantial impediment to employment; and

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2. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

Customers who are beneficiaries of Social Security Disability Insurance (SSDI) or recipients of Supplemental Security Income (SSI) as a result of their disability are categorized as Significant Disability (SD) or Most Significant Disability (MSD), depending upon the extent of their functional limitations.

IDVR uses the following criteria to determine who is served first under OOS to maintain consistent and equitable waitlist management:

1. The significance of disability priority category: Under IDVR's three levels MSD (most significant disability) is served first, then SD (significant disability), then D (disability) is opened following the projection of available resources. When SD and D categories are closed, they cannot be opened until all eligible individuals in the higher open priority category or categories have been given the opportunity to engage in plan development.
2. The date of application: Customers who apply first are served first within the priority category. If eligibility is reassessed to a more significant category while on a waitlist, the individual retains their application date as their place on the waitlist within the higher priority category.

IDVR has elected not to exercise a maintenance of employment option under OOS. That is, customers who apply for VR services to maintain employment will be assigned a disability category at eligibility and notified of waitlist status if their category is not open at the time of their eligibility determination.

Factors Prohibited from Order of Selection Consideration

Factors that will not be used as criteria for establishing an OOS priority include:

- Type of disability
- Residency

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- Age, gender, race, color, or national origin
- Source of referral or cooperative agreements with other agencies
- Type of expected competitive integrated employment outcome
- The need for specific services or anticipated cost of such services
- The income level of the customer or customer's family.

Administrative Requirements

Under OOS, the Division must:

- Continue to accept applications and make determinations of eligibility. This includes the continued provision of diagnostic services necessary to determine eligibility and the individual's priority under the OOS.
- Provide pre-employment transition services (pre-ETS) to potentially eligible students and qualifying eligible students with disabilities.
- Continue to provide services to all individuals under an Individualized Plan for Employment (IPE) who have begun to receive services prior to the effective date of the Order of Selection, regardless of the severity of the individual's disability.
- Implement the OOS on a statewide basis.
- Notify all eligible individuals of the priority categories and their assignment to a particular category.
- Notify eligible individuals of their right to appeal their category assignment.
- Ensure all funding arrangements, including third-party cooperative arrangements and awards under the establishment authority are consistent with the OOS or renegotiate the funding arrangements to be consistent with the OOS.

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- Provide adequate referral assistance (including the documentation of a point of contact for the referral agency) to individuals with disabilities who are:
 1. Not eligible for services; or
 2. Are eligible but are currently on a waitlist.

Maintenance of Statewide Order of Selection Waitlist

After priority category assignment, an individual will be served or placed on a waitlist if their category is restricted. Written notification will be provided to the customer informing them of:

- Their eligibility determination.
- The priority categories of IDVR's Order of Selection.
- Their assignment to a particular category.
- Their placement on the waitlist, if applicable.
- Their right to appeal their category assignment.
- The availability of the Client Assistance Program (CAP).

Individuals on the OOS waitlist will be contacted periodically to determine interest in remaining on the waitlist. The Division will conduct periodic projections of fiscal resources and its ability to serve customers in all priority categories.

Individuals will be notified in writing of their removal from the waitlist. Once notified, individuals have 30 days from the date of written notification to respond to IDVR and avoid case closure.

Initiating Services for Customers on the Waitlist

Based upon current and projected fiscal resources, IDVR will determine when it is appropriate to open a priority category and begin serving eligible individuals on OOS waitlist.

Individuals will be released from the statewide waitlist based first on priority category, and second by earliest date of eligibility (including presumptive eligibility). Prior to any change to priority categories being served, the field and impacted customers will be notified by letter of the change and the effective date. If the customer has not responded within 30 days from the date the letter was sent, IDVR staff will proceed with case closure.

Information and Referral (I&R)

34 CFR 361.37 requires IDVR to establish an Information and Referral system for individuals who are eligible for services but may be put on an OOS waitlist. Except for Information and Referral and pre-ETS for qualified eligible students, no services shall be provided to individuals on an OOS waitlist.

Any Information and Referral services provided under Order must be limited in scope to employment related services only. Referral sources will include other WIOA combined plan partners to assist with employment needs. Referrals may also include other entities who are best equipped to meet the employment needs of individuals being referred.

Referrals should be delivered using the mode of communication best suited to the individual being referred.

Information and Referral (I&R) Requirements

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

1. Provide customers with accurate vocational rehabilitation information, which may include guidance and referral for job placement, to prepare for, obtain, or maintain employment.
2. Refer customers with disabilities to other federal or state programs that are best suited to address their specific employment needs, including partners in the workforce development system. These

referrals must be tracked and documented by IDVR.

Documenting a Formal Referral

If a customer requests a referral, IDVR staff is required to provide a written referral to the customer for the entity that is best suited to meet the specific employment needs of the customer. In addition, IDVR will provide the customer with the following:

1. The written referral notifying the other Federal or State program about the referral;
2. The point of contact and organization the customer is referred to;
3. The purpose for referral (employment-related services).

Informal Referrals

IDVR routinely provides information to applicants and eligible customers about community programs that may offer services or benefits to assist the customer in meeting a variety of needs. Formal documentation requirements that apply to workforce development system partners do not apply to informal referrals.