

IDVR Order of Selection Policy

Purpose

In alignment with IDVR's portion of the combined State Plan, this policy describes how the Agency will determine if Order of Selection (OOS) is necessary, waitlist maintenance, and partial or full opening of categories. This policy outlines the Agency's responsibilities to equitably implement OOS statewide.

Authority:

- [Rehabilitation Act of 1973, as amended § 101\(a\)\(5\)\(A-E\)](#)
- [Federal VR Regulations](#): 34 CFR § 361.5, 34 CFR § 361.36-37, 34 CFR §361.42,
- 34 CFR §361.53-54
- [IDAPA 47.01.01](#)

Scope

This policy applies to all IDVR personnel, IDVR applicants, potentially eligible students, and all eligible program participants.

Policy

In the event projected fiscal and/or personnel resources of IDVR are deemed insufficient to provide the full range of VR services, as appropriate, to all eligible participants, the Administrator will implement the Division's Order of Selection in accordance with the VR services portion of the State plan and Federal requirements. IDVR reserves the right to open, close, and partially close priority categories based on current and projected Agency resources.

1. Assessment for Order of Selection

- a. No later than June 30th of each year, the Strategic Leadership Team (SLT) will review projected fiscal and personnel resources for the coming 12 months to determine if implementation of OOS is required for the coming year.
- b. In addition, SLT will review fiscal forecasting monthly using available tools outlined in Chapter 7 of the Grants Management Manual (GMM) to ensure accurate financial forecasting as an ongoing assessment for OOS.

- c. SLT reserves the right to review resources throughout the year to determine whether to open and close priority categories, dependent on available resources.
- d. When an SLT assessment determines that vocational rehabilitation services cannot be provided to all eligible individuals who apply for IDVR services, the Agency will implement an OOS.

1.1 Administrative Requirements:

Under OOS, the Agency must:

1. 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.
2. Continue to provide Pre-Employment Transition Services (Pre-ETS) to students with disabilities who were receiving such services prior to determination of eligibility and assignment to a priority category.
3. Continue to provide Pre-ETS to all potentially eligible students.
4. Continue to provide services to all individuals under an Individualized Plan for Employment 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.
5. Implement the OOS on a statewide basis.
6. Notify all eligible individuals of the priority categories and their assignment to a particular category.
7. Notify eligible individuals of their right to appeal their category assignment.
8. 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.

9. Provide information and referral assistance under 34 CFR § 361.37 to individuals with disabilities who are:
 - a. Not eligible for services; or
 - b. Are eligible but are currently on a waitlist.

1.2 Factors Prohibited from OOS Consideration:

1. Type of disability;
2. Duration of residency, provided the customer is present in the state;
3. Age, gender, race, color or national origin;
4. Source of referral or cooperative agreements with other agencies;
5. Type of expected competitive integrated employment outcome;
6. The need for specific services or anticipated cost of such services;
7. Participant and/or family income level

2. Disability Priority Categories

When determined eligible, an individual will be assigned one of the following disability priority categories. Individuals will be classified in the highest priority category if they are determined to be qualified:

1. Priority Category 1: Most Significant Disability (MSD): The participant meets the criteria established for a significant disability; and:
 - a. 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
 - b. Requires multiple primary VR services over an extended period of time.
2. Priority Category 2 - Significant Disability (SD): The participant meets the criteria established for a disability; and:
 - a. Receives Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) due to their disability or disabilities, or both of the following:
 - b. 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
- c. Requires multiple VR services over an extended period of time.

3. Priority Category 3, Disability (D): The customer has a physical or mental impairment; and:

- a. The impairment constitutes or results in a substantial impediment to employment; and
- b. The eligible participant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

An individual may request a review of their disability priority classification by providing additional disability information to the Agency. The Agency will notify the participant in writing of changes to a disability priority category assignment.

3. Priority of Service:

When in an OOS, IDVR will serve individuals based on their disability priority category and date of application, from the oldest application date to the newest in each disability priority category.

1. IDVR will serve Priority 1 (MSD) individuals first, based on oldest to newest application date.
2. Priority 2 (SD) participants will be served based on the oldest to newest application date when the Agency verifies it has the resources to serve all participants assigned category 1 (MSD) disability priority category.
3. Priority 3 (D) participants will be served based on oldest to newest application date when Agency verifies it has the resources to serve all individuals in category 1 (MSD) and category 2 (SD).
4. Maintenance of Employment: Federal regulations permit a state VR agency, when in an OOS, to serve eligible individuals who require specific services or equipment to maintain employment. IDVR, in consultation with the SRC, has opted not to implement this service and will assign all eligible individuals to the appropriate priority category, including closed categories due to an implemented OOS.

4. Implementation of OOS:

When the Agency determines that it does not have the resources to serve all eligible individuals as outlined in 34 CFR § 361.36, it will implement an OOS and determine which priority categories or partial categories can be served. Prior to implementing an OOS, the Agency shall:

1. Notify the Rehabilitation Services Administration (RSA) of the Agency's intent to implement an OOS.
2. Consult with the State Rehabilitation Council (SRC) regarding implementation of an order and selection.
3. Provide an opportunity for public comment with advanced notice.
4. Submit an amended State Plan with the following:
 - a. A description of the OOS and justification for the order.
 - b. Agency goals for serving individuals in each priority category, how information and referral services will be provided to individuals in closed priority categories, the Agency's method for managing the waitlist, and projected timelines for opening priority categories
 - c. Notification to the State Rehabilitation Council (SRC) of the intent to enter an OOS and the SRC's input regarding OOS.
 - d. Notification of the Agency's decision regarding serving individuals seeking VR services to maintain employment.
5. The agency will notify, in writing, all individuals in application and eligibility status of the intent to enter into OOS and anticipated start date of the order, and anticipated open and closed categories at implementation.
6. The order of selection shall be implemented to ensure that individuals with the most significant disabilities are provided VR services before other eligible individuals.
7. IDVR will not open a priority category until the preceding category is completely open, all individuals in open categories are being served, and the waitlist for any open categories is resolved.
8. Implementation will not affect:
 - a. The acceptance of referrals and applicants to the VR program.

- b. The delivery of Pre-Employment Transition Services to potentially eligible students.
- c. The provision of assessment services to determine eligibility for services.
- d. The provision of information and referral services.

5. Waitlist Maintenance

1. When in OOS, the SLT will review monthly, at a minimum, fiscal forecasting data using available tools outlined in Chapter 7 of the Grants Management Manual (GMM) to ensure accurate forecasting as an ongoing assessment for OOS.
2. While operating under OOS, all eligible individuals not being served will remain on the waitlist until the Agency is approved to serve individuals in their assigned priority category.
 - a. IDVR will contact waitlisted individuals, at minimum, annually to determine if a participant wishes to remain on the waitlist and request verification of correct contact information.
 - b. IDVR will close a participant's case on request. When a case is closed while on the waitlist, the participant's position on the waitlist is forfeit.
3. The Agency will notify participants in writing when they are eligible to be served. Written communication will include timelines to engage with IDVR to begin services.
4. To avoid potential delay of services, participants who do not respond within 30 days of initial notification of their ability to receive services will be notified of case closure. Prior to case closure, the Agency will make reasonable attempts to contact the participant through varied and appropriate means of communication, and document attempts in the participant's case record.

Review and Revision

This policy will be reviewed on an annual basis and updated when necessary. IDVR must follow required notification procedures prior to implementation.