

Order of Selection Policy Document

Policy Name: Order of Selection

Effective Date: 07/20/2026

Revision Date:

Retirement Date:

Review Schedule: Annual

Revision Number:

1.0 POLICY STATEMENT

This policy establishes how the Idaho Division of Vocational Rehabilitation (IDVR) determines when to implement an Order of Selection (OOS) in accordance with federal requirements and the vocational rehabilitation (VR) services portion of the State Plan.

When projected fiscal and/or personnel resources are insufficient to provide the full range of VR services to all eligible participants, IDVR will utilize OOS to ensure priority of service for individuals with the most significant disabilities.

2.0 LEGAL AUTHORITY

[Rehabilitation Act of 1973, as amended § 101\(a\)\(5\)\(A-E\), §7\(21\)\(A\)](#)
[34 CFR §§ 361.5, 361.36, 361.37, 361.42, 361.53, 361.54](#)
[IDAPA 47.01.01](#)

3.0 DEFINITIONS/ACRONYMS

Disability Priority Category: Under OOS, all individuals determined eligible for IDVR services are assigned a disability priority category based on objective evidence demonstrating limitations in one or more functional capacities.

Order of Selection (OOS): OOS occurs when a state VR program does not have enough resources to provide rehabilitation services to all eligible individuals in accordance with a State Plan amendment approved by RSA. Under OOS, state VR agencies must prioritize services to eligible individuals with the most significant disabilities first.

Strategic Leadership Team (SLT): Executive-Level Leadership Team responsible for assessing Agency resources to advise the Administrator on opening and closing disability priority categories while the Agency is operating under an OOS.

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Rehabilitation Services Administration (RSA): Federal regulatory agency responsible for oversight and administration of all State-Federal vocational rehabilitation programs, including IDVR.

State Rehabilitation Council (SRC): Monitors policies and practices of IDVR and can provide recommendations regarding program services.

4.0 SCOPE/APPLICABILITY

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

5.0 ASSESSMENT FOR ORDER OF SELECTION

- 5.1 No later than June 30th of each year, 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.
- 5.2 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.
- 5.3 SLT may review resources throughout the year to determine whether to open and close priority categories, depending on available resources.
- 5.4 If an assessment determines that the full range of VR services cannot be provided to all eligible individuals, IDVR will comply with the requirements set forth in 34 CFR § 361.36. IDVR will follow the requirements in section 10.0 of this policy and submit a State Plan amendment to incorporate OOS, for RSA review and approval.

6.0 ADMINISTRATIVE REQUIREMENTS Under OOS, IDVR must:

- 6.1 Continue to accept applications, determine eligibility, and provide diagnostic services necessary to establish eligibility and OOS priority.
- 6.2 Continue to provide Pre-Employment Transition Services (Pre-ETS) to potentially eligible students with disabilities who received services prior to eligibility determination and priority assignment.
- 6.3 Continue to provide services to all individuals with an approved Individualized Plan for Employment (IPE) who began receiving services prior to the effective date of the OOS, regardless of the severity of their disability.
- 6.4 Implement the OOS on a statewide basis.

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- 6.5 Notify eligible individuals of their right to appeal their disability priority category assignment.
- 6.6 Ensure all funding arrangements, including third-party cooperative arrangements and awards under the establishment authority, are consistent with the OOS, or renegotiated as necessary to be consistent with the OOS.
- 6.7 Provide information and referral assistance under 34 CFR § 361.37 to individuals who are not eligible for services or are on a waitlist.

7.0 FACTORS PROHIBITED FROM OOS CONSIDERATION

- 7.1 Type of disability;
- 7.2 Residency in the state of Idaho or duration of residency;
- 7.3 Age, gender, race, color or national origin;
- 7.4 Source of referral or cooperative agreements with other agencies;
- 7.5 Type of expected competitive integrated employment outcome;
- 7.6 The need for specific services or anticipated cost of such services; and
- 7.7 Participant and/or family income level.

8.0 DISABILITY PRIORITY CATEGORIES

- 8.1 When determined eligible, an individual will be assigned one of the following disability priority categories. Individuals will be classified in the highest priority category they are qualified for. An individual may request a review of their disability priority classification by providing additional disability information to the Agency. IDVR will notify the participant in writing of changes to a disability priority category assignment.
- 8.2 Priority Category 1: Most Significant Disability (MSD): The participant meets the criteria established for a significant disability; and
 - 8.2.1 Experiences a severe physical and/or mental impairment that seriously limits three or more functional capacities (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction, or work tolerance) in terms of an employment outcome; and
 - 8.2.2 Requires multiple VR services over an extended period of time.
- 8.3 Priority Category 2: Significant Disability (SD): The participant meets the criteria established for a disability; and
 - 8.3.1 Experiences a severe physical and/or mental impairment that seriously limits one or more functional categories (such as mobility,

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work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and

8.3.2 Requires multiple VR services over an extended period of time.

8.3.2.1 If an individual receives Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) due to their disability or disabilities, they are presumed to be eligible for VR services and considered an individual with a significant disability.

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

8.4.1 The impairment constitutes or results in a substantial impediment to employment; and

8.4.2 The eligible participant can benefit in terms of an employment outcome from the provision of VR services.

9.0 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.

9.1 IDVR will serve Priority 1 (MSD) individuals first, based on oldest to newest application date.

9.2 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, there are no individuals on the MSD wait list, and the category is open to serving new applicants.

9.3 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), no individuals are on the SD wait list and the category is open to serving new applicants.

9.4 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

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10.0 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:

10.1 Notify RSA of the Agency's need to implement an OOS.

10.2 Consult with the SRC regarding implementation of OOS.

10.3 Provide an opportunity for public comment and/or public hearings with advanced notice, as a required part of the State Plan amendment process.

10.4 Submit an amended State Plan with the following revisions:

10.4.1 Documentation of consultation with the SRC, including notification of the Agency's intent to implement an OOS and the SRC's input, as required for submission of a State Plan amendment implementing an OOS.

10.4.2 Updated annual estimates, as required.

10.4.3 A description of the OOS, including the priority categories and any partial priority categories to be served and a justification for the order to be followed in selecting eligible individuals to receive VR services.

10.4.4 Identification of service and employment outcome goals and the estimated timeframes within which the goals may be achieved for individuals in each priority category within the order, as required under § 361.29(c)(5).

10.4.5 Statement whether the Agency will elect to serve, in its discretion, eligible individuals who require specific services or equipment to maintain employment. The Plan shall also describe how individuals assigned to closed priority categories will receive information and referral services while the OOS is in effect.

10.4.6 Assurances that (A) individuals with the most significant disabilities will be selected first for the provision of VR services and (B) individuals who do not meet the order of selection criteria will have access to services provided through the Agency's information and referral system.

10.5 IDVR will provide written notification to all individuals in application and eligibility status of its intent to implement an OOS. The notice will include the anticipated start date as well as the categories expected to be open and closed at the time of implementation.

10.6 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.

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10.7 Implementation will not effect:

- 10.7.1 The acceptance of referrals and applicants to the VR program;
- 10.7.2 The delivery of pre-employment transition services to potentially eligible students who have received at least one Pre-ETS prior to an eligibility determination;
- 10.7.3 The provision of assessment services to determine eligibility for services; or
- 10.7.4 The provision of information and referral services to applicants and eligible participants.

11.0 WAITLIST MAINTENANCE

- 11.1 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
- 11.2 While operating under OOS, eligible individuals not being served will remain on the waitlist until their priority category is opened.
 - 11.2.1 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.
 - 11.2.2 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 forfeited.
 - 11.2.3 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.
 - 11.2.4 To avoid delays in service delivery, 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, IDVR will make reasonable attempts to contact the participant using multiple appropriate methods and will document attempts in the participant's case record.

12.0 EXCEPTIONS: There are no exceptions to adherence to this policy.