

Order of Selection: Frequently Asked Questions UPDATED January 27, 2020

The Bureau of Rehabilitation Services, Vocational Rehabilitation program is currently operating under an order of selection. The order of selection was implemented August 1, 2017 after receiving approval from the U.S. Department of Education, Rehabilitation Services Administration through approval of a state plan amendment. The following frequently asked questions may be helpful in increasing understanding of the order of selection process, and the impact on VR applicants and eligible individuals.

1. What is an order of selection?

Order of selection is a process for prioritizing eligible individuals that a VR agency intends to serve based on available resources and capacity. The federal government requires a state VR agency to implement an order of selection when it does not have enough staff or funding to serve everyone who is eligible. *The Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act, requires that individuals with the most significant disabilities be served first.*

Under an order of selection, one or more disability service priority categories may be closed. Indiana VR has three disability service priority categories as outlined below:

Disability Service Priority Categories	Level of Severity of Eligible VR Individuals	Order of Selection Status
Priority Category 1	Individuals with the most significant disabilities	OPEN
Priority Category 2	Individuals with significant disabilities	CLOSED
Priority Category 3	All other eligible individuals	CLOSED

Priority Category 1 is ‘open,’ which means that all individuals assigned to this category are served with no waiting period. Priority Categories 2 and 3 are ‘closed,’ which means that individuals assigned to Priority Categories 2 and 3 are in ‘delayed services’ status and experience a waiting period before receiving services.

2. What does it mean to be an individual with a ‘most significant disability?’

An individual must be determined eligible for VR and meet the following additional requirements set forth in 460 IAC 14-8-1(b):

- The individual has a severe physical or mental impairment that seriously limits three or more functional capacities in terms of an employment outcome (*Functional capacity areas include: communication, interpersonal skills, mobility, self-care, self-direction, work skills and work tolerance*); AND
- The individual requires multiple vocational rehabilitation services; and
- The individuals requires services over an extended period of time.

3. What percent of VR eligible individuals are assigned to Priority Category 1?

More than 80% of eligible individuals are determined to have a most significant disability and are assigned to Priority Category 1. All individuals assigned to Priority Category 1 are served without delay. This means that most eligible individuals are being served.

4. How does VR determine the appropriate disability service priority category for a VR eligible individual?

VR counselors review and evaluate all available information which may include: education records, medical records, relevant information provided by the individual, individual's representative, or family, or additional assessment if existing information is insufficient, and counselor observations. The VR counselor will also hold an extensive meeting with the individual to better understand how the individual's impairment(s) results in a limitation in one or more functional capacity areas, the services that will be required, and the expected length of time it will take for the individual to achieve competitive, integrated employment.

5. How does VR assess functional capacity limitations?

VR will consider a variety of information to determine whether an individual experiences a limitation in one or more functional capacity areas, such as receptive or expressive communication, ability to understand oral or written instructions, adaptive technology required, stamina or physical restrictions, needed supports, work experience and skills, appropriate social interaction and behaviors, ability to perform activities of daily living, decision making and problem solving, ability to safely navigate in the home and workplace, and other relevant factors.

6. What happens if an individual does not agree with a VR counselor's determination of disability service priority?

An individual will receive a letter with information about their eligibility and disability priority determination, along with information about appeal rights, which may include informal supervisory review, mediation or an impartial due process hearing. The letter will also include information about the Client Assistance Program. CAP helps individuals with applying for or getting services from VR. CAP is run by Indiana Disability Rights and more information can be found at the following website: <http://www.in.gov/idr/>.

7. When an order of selection is in place, can individuals continue to apply for VR services?

Yes, and individuals are encouraged to continue to apply for VR and to refer others to VR. VR will continue to schedule all new referrals for an intake appointment to complete the application and eligibility determination process. Using the information that applicants provide, a VR counselor will

determine whether each individuals is eligible for VR services based on the following eligibility criteria set forth in 460 IAC 14-7-1:

1. The individual has a physical or mental impairment;
2. The individual's impairment results in a substantial impediment to employment;
3. The individual requires VR services to prepare for, secure, retain, advance in, or regain employment; and
4. The individual can benefit from VR in terms of an employment outcome.

Disability priority is also determined for each VR eligible individual as outlined above.

8. Will VR stay in contact with eligible individuals who are assigned to a closed service priority category?

Yes. All individuals assigned to a closed service priority category (in 'delayed services' status) receive a letter every 6 months from VR. The letter is an opportunity to stay in contact with individuals and keep contact information up to date. The letter states that individuals should contact their local VR office if any of their information has changed. This could include information such as mailing address, phone, email address, or information about the individuals' disability or service needs.

When BRS determines that sufficient resources become available to begin serving more eligible individuals, those individuals in Priority Category 2 will be prioritized next. When VR is able to serve an individual, VR will make several attempts to contact that individual to schedule a meeting and begin services. VR will contact individuals by phone, U.S. mail, and email (if available), so it is important that individuals keep their contact information up to date with VR and let the VR office know of any changes in phone number, mailing address, and email address.

9. How can eligible individuals assigned to a closed disability service priority category obtain assistance in achieving their vocational goals?

VR will provide information and referral services to other workforce options including agencies in each local area, Work One Centers, Ticket to Work Employment Networks, Independent Living Centers, college and university career centers and disability services offices, the IN Data Assistive Technology program, and other state or local resources. A local resource guide was developed for each VR area office and is updated annually. Resources guides and other information can be viewed at <https://www.in.gov/fssa/ddrs/5435.htm>.

10. Can BRS prioritize serving individuals in Priority Categories 2 or 3 for services, instead of those in Priority Category 1 with a most significant disability?

No. Federal law requires that when a VR agency is operating under an order of selection, individuals with the most significant disabilities are served first. This requirement is outlined at 34 CFR 361.36 (3)(iv)(A).

11. When will VR begin serving eligible individuals in closed disability service priority categories?

VR continues to focus its assessment of capacity and resource needs in determining on an annual basis as to whether VR can begin serving eligible individuals in closed priority categories.

Based on VR's capacity and resource assessment, starting in February 2020, VR anticipates moving a small number of individuals awaiting services in Priority Category 2 from 'delayed services' into 'ready to be served' status. VR will contact approximately 200 eligible individuals assigned to Priority Category 2, moving such individuals out of 'delayed services' status. Individuals are identified based on earliest application date to VR. While there is no set timeframe, additional rounds of moving individuals from Priority Category 2 out of 'delayed services' status will continue to be assessed.

Priority Category 2 will remain 'closed' at this time. As of January, 2020 there are approximately 2,000 eligible individuals in 'delayed services' status who are assigned to Priority Category 2. This means that many individuals will continue in 'delayed services' status at this time. Additionally, while Priority Category 2 remains closed, newly eligible individuals assigned to this category will continue to be placed in 'delayed services' status.

12. When will VR open disability service priority categories that are currently closed?

VR must move all individuals in Priority Category 2 out of 'delayed services' status before this service category can be opened. A timeframe for opening additional service priority categories is unknown at this time.

13. What impact does the order of selection have on students with disabilities receiving pre-employment transition services?

Pre-ETS must be made available statewide to all students with disabilities, regardless of whether the student has applied or been determined eligible for VR services. These services include job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in post-secondary education, workplace readiness training, and instruction in self-advocacy.

Students who are eligible for VR services, but placed in a closed service priority category, may continue to receive Pre-ETS as long as those activities were initiated prior to being placed in a closed service priority category. Students who apply for VR services, are determined eligible, and assigned to a closed service priority category, may not begin to receive Pre-ETS if these services were not initiated prior to the individual being assigned to a closed service priority category.