



Order of Selection: Frequently Asked Questions

1. What is an order of selection?

Order of selection is a process for prioritizing eligible individuals that a vocational rehabilitation (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 money or staff to serve everyone who is eligible. The Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA), requires that individuals with the most significant disabilities be served first.

2. Why has the Bureau of Rehabilitation Services (BRS) determined that implementation of the order of selection is necessary?

The decision to implement this process follows identification and implementation of numerous strategies to improve capacity over the past few years. Despite those efforts, BRS has projected a deficit of resources for federal fiscal years 2017 and 2018; and continues to experience significant challenges in building and retaining adequate resources to serve all eligible individuals, and meet expectations for timeliness and quality of service provision.

In addition, efforts to comply with expansive new federal requirements under WIOA are requiring BRS to shift financial resources estimated at up to \$10-12 million annually. More information may be found in the Draft VR Portion of the WIOA Unified State Plan which can be viewed at <http://www.in.gov/fssa/ddrs/5285.htm>. BRS anticipates implementing the order of selection upon approval from the U.S. Department of Education, Rehabilitation Services Administration.

3. What impact does the implementation of an order of selection have on individuals who are already in the VR program?

Individuals who have applied, but are not yet determined eligible, or are eligible but do not yet have an Individualized Plan for Employment (IPE) in place when the order of selection takes effect, are subject to the order of selection. Individuals who are already receiving services under an IPE will continue to receive VR services and supports to work toward their vocational goals in line with their IPE. There will be no disruption in services for individuals who had an IPE in place when the order of selection took effect.

4. For new VR applicants, or those eligible individuals who do not yet have an IPE at the time the order of selection is implemented, how does VR prioritize individuals with the most significant disabilities to be served first?

Once an individual is determined eligible for VR services, the individual's severity level will be determined using the current process. In Indiana, there are three levels of severity, and each individual is assigned to a priority category, based on his/her level as outlined below:

Levels of Severity	Order of Selection Priority Categories
1. Individuals with most significant disabilities	Priority Category 1
2. Individuals with significant disabilities	Priority Category 2
3. All other eligible individuals (nonsignificant disabilities)	Priority Category 3

Once the order of selection is implemented, Priority Category 1 will remain open, individuals assigned to this category will be served first, and Priority Categories 2 and 3 will be closed. Those individuals who fall into Priority Categories 2 and 3 are put on a deferred services list and will be served if and when sufficient resources become available.

5. 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 over an extended period of time.

All eligible individuals who are determined to have a most significant disability are in Priority Category 1, will receive VR services, and will work with a VR counselor to develop an IPE, which outlines his/her desired vocational outcome and necessary services and supports.

6. How does VR assess level of severity for an eligible VR consumer?

VR counselors complete a review and assessment of data to determine eligibility and severity level. Information used by the VR counselor to assess an individuals’ severity level (including functional capacities and the other requirements outlined in question 5) may include: review and assessment of existing data, counselor observations, education records, medical records, relevant information provided by the individual, individual’s representative, or family, or additional assessment if existing data is insufficient. The VR counselor will review all information provided and interview 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.

7. 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.

8. What happens if an individual does not agree with a VR counselor's determination of severity level?

An individual will receive a letter with information about their eligibility and severity 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). 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/>.

9. 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).

10. What can individuals who do not meet criteria for Priority Category 1 expect, once the order of selection is implemented?

Eligible individuals who are determined not to meet the criteria as an individual with a most significant disability, will be placed in Priority Category 2 or 3 based on his/her severity determination assessment. Unless these individuals already have an IPE in place with VR prior to implementation of the order of selection, these individuals will not be able to receive VR services right away because Priority Categories 2 and 3 will be closed when the order of selection takes effect. Individuals in Priority Categories 2 and 3 without an IPE will be placed on a deferred services list according to the individual's application date. If and when sufficient resources become available for VR to serve additional eligible individuals, those individuals in Priority Category 2 with the earliest application date will be served next. The VR program will engage in ongoing evaluations to determine when sufficient resources are available to provide VR services to eligible individuals in Priority Categories 2 and 3.

11. Individuals assigned to Priority Categories 2 or 3 will not receive VR services once the order of selection begins. How might they 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.

12. Since VR will be referring individuals to other agencies and resources, including local Work One centers, is BRS taking steps to assist these other entities to prepare to serve an increased number of individuals with disabilities?

Agencies that receive federal funding are required to ensure that services are available for all eligible individuals, which includes individuals with disabilities. BRS is proactively reaching out to state and federal partners to discuss the potential increase in job seekers with disabilities accessing services from these organizations, as a result of the implementation of the order of selection. BRS is prepared to offer training to these entities to assist them in preparing for potentially serving more job seekers with disabilities. As a workforce partner with the Department of Workforce Development, BRS will continue to collaborate and support the Work One centers in providing services to job seekers with disabilities.

13. Once the order of selection is implemented, can individuals continue to apply for VR services?

Yes. There are no changes in the VR application process. VR will continue to schedule all new referrals for an intake appointment to complete the application and assessment process. Using the information that applicants provide, a VR counselor will determine whether each individual 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.

For all individuals who are determined eligible for VR, the current process to determine each individual's severity level will occur following the eligibility determination. The severity determination process assesses an individual's functional capacities in the following seven categories: 1) communication, 2) interpersonal skills, 3) mobility, 4) self-care, 5) self-direction, 6) work skills and 7) work tolerance. It also includes an assessment of whether the individual requires multiple services over an extended period of time.

VR counselors use information obtained during the assessment phase to determine eligibility and severity level. The severity level then determines the priority category to which the individual is assigned. Information used by the VR counselor to make eligibility and severity determinations may include: review and assessment of existing data, counselor observations, education records, information provided by the individual or individual's family or additional assessment if existing data is insufficient.

14. When under an order of selection, will VR be able to assist individuals who need services to maintain their job after their VR case is successfully closed?

VR may be able to provide post-employment services of a limited scope and duration to individuals to assist with maintaining, re-entering or advancing in employment. A VR counselor can assist in determining whether post-employment services are available based on each individual's specific circumstances.

15. When BRS determines that sufficient resources become available to begin serving individuals in closed priority categories, how will those cases be identified and disbursed?

When BRS determines that sufficient resources become available to begin serving individuals in one or more closed priority category, those individuals in Priority Category 2 will be prioritized next, according to earliest statewide application date.

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

Pre-employment transition services 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 priority category, may continue to receive pre-employment transition services as long as those activities were initiated prior to being placed in a closed priority category. Students who apply for VR services, are determined eligible, and assigned to a closed priority category, may not begin to receive pre-employment transition services if these services were not initiated prior to the individual being assigned to a closed priority category. VR has taken steps to initiate pre-employment transition services during the VR application intake appointment, so that any student who qualifies may be able to receive pre-employment transition services as they become available.

17. What actions is BRS taking to build capacity and work toward increasing resources to serve all eligible individuals?

Many strategies to improve staffing capacity have been implemented over the last several years, and BRS will continue to identify innovative approaches to increase capacity and ensure appropriate fiscal resources are available. BRS will provide ongoing updates on progress toward increasing personnel and fiscal resources. Updates can be viewed at

<http://www.in.gov/fssa/ddrs/5285.htm>.