

### **Attachment 4.11(c)(3) Order of Selection**

- Identify the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services.
- Identify the justification for the order.
- Identify the service and outcome goals.
- Identify the time within which these goals may be achieved for individuals in each priority category within the order.
- Describe how individuals with the most significant disabilities are selected for services before all other individuals with disabilities.

### **Justification for an Order of Selection**

The USOR Executive Director has determined resources are not available to provide vocational rehabilitation services to all eligible individuals through the program year. Consistent with state and federal law and regulations, the Director has established restrictions regarding priority categories for selecting the order in which otherwise eligible individuals will be served.

Effective when all required approvals are in place and when management deems necessary, the Utah State Office of Rehabilitation will initiate an Order of Selection as there is a lack of adequate financial and personnel resources to provide services to all eligible clients. USOR will close all Priority Categories and place all eligible individuals not in plan on a waiting list.

Factors contributing to this lack of adequate resources include:

1. Limited state funds to match available federal VR funds.
2. Increased number of referrals, applications and clients served. USOR went from serving 20,584 clients in FFY 2007 to 29,679 in FFY 2014; which is a 44.18% increase.
3. Inadequate staff coverage to meet the needs of clients. Between FFY 2007 and FFY 2014, the client-to-counselor ratio increased from 176:1 to 221:1.
4. Increased expenditures. From FFY 2007 to FFY 2014 client expenditures increased in the cost of services such as diagnostic, medical, restoration and training services.
5. Increased emphasis on and need to serve youth and students with disabilities.

### **Description of Priority Categories**

Priority Categories:

Category 1: Student with a Disability

Category 2: Individual with a Disability at Risk of Losing Employment

Category 3: Individual with a Most Significant Disability

Category 4: Individual with a Significant Disability

Category 5: Individual with a Disability

Definitions:

- I. Student with a Disability**
  - a. Is an individual with a physical or mental impairment, at age 16 through 21, who is eligible for and receiving Special Education, or related services in accordance with the Rehabilitation Act and the Individuals with Disabilities Education Improvement Act (IDEA), or
  - b. Is an individual with a physical or mental impairment, at age 16 through 21, who meets the Rehabilitation Act – Section 504 definition of having a disability.
- II. Individual with Disability at Risk of Losing Employment**
  - a. Has a physical or mental impairment that constitutes or results in a substantial impediment to maintaining employment; and
  - b. Will require vocational rehabilitation services to maintain employment.
- III. Individual with a Most Significant Disability:**
  - a. Has a physical or mental impairment that seriously limits **two or more** functional categories (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
  - b. Will require multiple (three or more) vocational rehabilitation services; and
  - c. Will receive those services for an extended period of time (at least 6 months).
- IV. Individual with a Significant Disability**
  - a. Has a physical or mental impairment that seriously limits **one or more** functional categories (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
  - b. Will require multiple (three or more) vocational rehabilitation services; and
  - c. Will receive those services for an extended period of time (at least 6 months).
- V. Individual with a Disability**
  - a. Has a physical or mental impairment that constitutes or results in a substantial impediment to employment;
  - b. Can benefit in terms of an employment outcome after receiving vocational rehabilitation services; and
  - c. Will require vocational rehabilitation services to prepare for, enter, engage in or retain gainful employment.

### **USOR Responsibilities When Implementing an Order of Selection**

During the implementation of an Order of Selection USOR will continue to accept applications and make eligibility determinations. USOR will reserve sufficient resources to meet these obligations and will continue providing needed services to eligible individuals with IPEs implemented prior to the effective date of the Order of Selections. USOR acknowledges continuity of services in all areas is subject to the availability of funding. In addition, USOR will continue its responsibility to make the public and referral sources aware of the services it has to offer individuals with disabilities.

## **Plan for Implementing the Order of Selection**

Effective when all required approvals are in place and when management deems necessary, USOR will close all categories and place individuals determined to be eligible for VR services on a waiting listing. Categories will be opened, all or in part, in the priority listing order as additional funds become available.

### Order of Selection Administrative Process

- I. When setting up the Order of Selection, USOR will take into consideration all eligible individuals and prioritize them individually.
- II. The Order of Selection will be implemented statewide with the same priority levels in all areas of the state.
- III. Prior to implementation USOR will submit the Order of Selection Plan for public review and comment. USOR will also consult with the State Rehabilitation Council (SRC) regarding the decision to implement an Order of Selection and solicit input regarding the plan.

### Order of Selection Implementation Procedures

- I. When the Executive Director of USOR invokes an Order of Selection to prioritize the provision of VR services each eligible individual will be classified into one of the five priority categories. If necessary, further prioritization within a category will be done by application date.
- II. All applicants, including individuals in trial work exploration status (06) and eligible without IPE status (10), shall be notified in writing of the Order of Selection and their subsequent priority classification. Included in the written notification will be their right to appeal the determination of their priority classification and the availability of the Client Assistance Program (CAP).
- III. Services necessary to determine eligibility, including services in extended evaluation, shall not be impacted by the Order of Selection.
- IV. Individuals who are found to be eligible but whose priority category is closed at the time of eligibility determination shall be placed in Order of Selection Deferred Status (04).
- V. USOR will ensure eligible clients who are not assigned to an open Order of Selection categories will have access to services provided under the Information and Referral system (Section 1010(a)(5)(D) of the Act). Information and referral services include:
  - a. Providing VR information and guidance to assist the individuals to achieve employment, and
  - b. Appropriately referring individuals to other federal and state programs, including the statewide workforce investment programs through the Department of Workforce Services, that are best suited to meet the individuals' specific employment needs.
- VI. Individuals in Order of Selection Deferred Status (04) shall be contacted at least once in the first 90 days after being placed in deferred status and periodically monitored as long as they remain in that status if they request follow up. Contact and monitoring lists will be computer generated with minimal efforts required of staff. USOR will

also maintain the individual's client records to include documentation on the nature and score of any information and referral services provided.

### **Order of Selection: Change in Priority Levels**

- I. USOR will open and close priority categories as needed in Federal fiscal year 2015 and beyond, so long as the order of the categories is maintained and the continuity of services to all individuals selected for its services is assured.
- II. USOR will use the individual's date of application to rank individuals within a priority category. This equitable and reasonable factor provides a method of selecting individuals from a waiting list when USOR has enough resources to serve some, but not all, individuals in that OS priority category.

### **Describe how individuals with the most significant disabilities are selected for services before all other individuals with disabilities.**

Under the Workforce Innovations and Opportunities Act that was signed into law, effective July 22, 2014, State VR agencies are allowed to prioritize services to students with disabilities and individuals with disabilities who are at imminent risk of losing their employment. With the emphasis and necessity to provide services to transition aged youth, USOR has decided to establish students with disabilities as the first priority category. The second priority category is given to individuals with disabilities who are at imminent risk of losing their jobs unless they receive VR services. USOR is electing to give this group a higher prioritization, as time-sensitive VR intervention will make a significant difference in helping them maintain their already established competitive, integrated employment. The consequences of a lower classification for this group of individuals would potentially result in loss of employment and the need for additional VR services, over a longer duration of time. Given these changes, individuals with the most significant disabilities would become the third priority category.

### **Services and outcome goals and the time within which the goals will be achieved.**

In FFY-2015 USOR plans to serve 29,112 individuals with an expected outcome goal of 3,507 successfully rehabilitated clients and at a cost of \$17,862,355 for all priority categories.

The table below projects FFY-2015 related outcomes and goals for Utah State Office of Rehabilitation by Priority Category.

<b>Priority Category</b>	<b>Number of Individuals to be served</b>	<b>Est. Number of Individuals Successfully Employed after receiving services</b>	<b>Est. Number of Individuals Closed Unsuccessfully after receiving services</b>	<b>Time within which goals are to be achieved</b>	<b>Cost of Services</b>
Category 1	3,945	290	199	3 to 6 Months	\$2,759,555
Category 2	471	261	80	3 to 6 Months	\$335,690
Category 3	4,290	532	780	6 to 9 Months	\$4,032,660
Category 4	17,011	2,331	2,498	9 to 12 Months	\$10,327,510
Category 5	3,395	102	45	9 to 12 Months	\$406,940
Totals	29,112	3,507	3,602		\$17,862,355