




Title:	Vocational Rehabilitation Eligibility and Order of Selection (OOS)
Policy #:	80-VR-06
Legal Reference:	34 CFR 361.37, 361.41, 361.42, 361.57; ORC 3304.17; OAC 3304-2-54, 3304-2-65
Date:	September 9, 2019
Approved:	Kevin L. Miller, Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	80-VR-06 (5/8/2017)
History:	80-VR-06 (07-01-15 V2); VRP-0500 (10-03-08, 12-31-06) and any issued prior to this date.
Review/ Implementation	Begin Review – 02/01/2021 Implement Revisions By – 08/02/2021

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code (ORC) §3304.15 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its director to develop all necessary rules and policy in furtherance of its statutory duties.

II. PURPOSE

The purpose of this policy is to provide guidelines for eligibility and order of selection in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code, Ohio Administrative Code), governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or director expectations.

III. APPLICABILITY

This policy applies to Vocational Rehabilitation (VR) Staff and VR Contractors.

IV. DEFINITIONS

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A).

V. POLICY

A. General

1. Opportunities for Ohioans with Disabilities (OOD) shall provide information to individuals and if applicable, their parent or legal guardian, throughout the Vocational Rehabilitation (VR) process as required by law (e.g. rights and duties). This information shall be provided, in writing, and when appropriate, in the individual’s native language or through an appropriate mode of communication.
2. AWARE shall be updated with pertinent conversations, recommendations, justifications, approvals and/or other actions taken in relation to this policy.

- a. If supervisory or management approval is required during the VR process, VR Staff or VR Contractor shall, via a "Custom Activity Due" in AWARE, request approval which shall include a written justification.
 - b. The supervisor or manager shall consider the VR Staff or VR Contractors' justification and document his/her approval or denial within the "Activity Due" as detailed below.
 - i. If approval is based on the written justification, the supervisor/manager shall enter "Approved" in the "Comments" and change the activity status to "Completed."
 - ii. If approval is based on the written justification but additional conditions/requirements need to be addressed before VR Staff or VR Contractor can take action on the approval; the supervisor/manager shall enter "Approved with Conditions" and document the conditions/requirements in the "Comments" and change the activity status to "Completed".
 - iii. If denied, the supervisor/- manager does not agree with the justification, he/she shall enter the words "Request Denied," and document the reason(s) for denial in the "Comments" and change the activity status to "Completed."
3. If any VR Staff or VR Contractor are a Certified Rehabilitation Counselor (CRC-certified) and will be directly involved with an individual's case, he/she shall complete the "Professional Disclosure Statement" (80-VR-01.E).
- a. VR Staff or VR Contractors who are not a Certified Rehabilitation Counselor (CRC) are exempt from this requirement.
 - b. Once completed, the "Professional Disclosure Statement" shall be reviewed and signed by the individual and, if applicable, his/her parent or legal guardian, and the CRC-certified VR Staff or VR Contractor.
 - i. Once signed, the statement shall be scanned into the AWARE Participant Module, as a Case Note, with the category "Professional Disclosure Statement" and summary title "Signed."
4. If an individual wishes someone other than his/her legal guardian to take part in any area of the process for VR services, the individual shall be required to complete and sign a "Consent to Obtain and Release Information" (80-VR-01.G) form.
5. "Transition Services" (80-VR-11-12) shall be followed for additional guidance and direction regarding eligibility and order of selection (OOS) for students with a disability enrolled in a secondary educational institution.
6. The decision to determine eligibility and order of selection is a non-delegable function that can only be performed by Qualified Rehabilitation Personnel (QRP) and shall be completed in a timely manner.

B. Eligibility Determination

1. Eligibility determination shall not be based on:
 - a. duration of state residency, per "Residency / Immigration" (80-VR-21);

- b. type of disability;
 - c. race, color, religion, national origin/ancestry, disability, age (40 years or older), sexual orientation, gender or sex, veteran or military status, and/or genetic information or in any manner prohibited by law;
 - d. type of expected employment outcome;
 - e. source of referral;
 - f. particular service needs or anticipated cost of services as required by an individual or income level of an individual or an individual's family;
 - g. employment history or current employment status; or
 - h. educational status or current educational credential.
2. After the application and intake process, has been completed; a Qualified Rehabilitation Personnel (QRP) shall make an eligibility determination.
- a. Eligibility determination shall be made within sixty (60) days after completion of the "Participant Information/Application for Vocational Rehabilitation Services" (80-VR-01.A).
 - i. The application shall be considered complete when all data fields are filled out, the application is signed and dated by the individual and, if applicable, his/her parent or legal guardian, and is initialed and dated by appropriate VR Staff or VR Contractor.
 - ii. OOD's target timeline for eligibility determination is thirty (30) days or less.
 - iii. Provided the individual agrees, exceptions can be made to the federally required sixty (60) day timeframe in situations of exceptional and unforeseen circumstances beyond OOD's control. Written notification shall be provided to the individual.
 - b. Presumptive Eligibility for VR services applies to individuals who receive benefits under Title II or Title XVI of the Social Security Act, because of their own disability and as long as they express the intent to work.
 - c. Direction in "Vocational Rehabilitation (VR) Assessment Services" (80-VR-11-01) shall be followed when authorizing assessments for eligibility determination.
3. A QRP shall review information received through the application and intake process (e.g. existing records, VR Staff or VR Contractor observations, education records).
4. An individual shall be considered eligible for VR services when all four (4) of the criteria below have been met.
- a. The individual has a physical, cognitive, or mental impairment, as determined by qualified personnel (e.g. Medical Doctor, Psychologist, etc.).
 - i. Documentation from another agency, (i.e. FED/OEDI/COEDI forms, ETR, PERS disability award) may be used to establish that a physical, cognitive, or mental impairment exists if OOD determines that the agency's criteria is; 1) appropriate; 2) available; and 3) consistent with OOD's eligibility requirements.

- b. The individual's physical, cognitive, or mental impairment constitutes or results in a substantial impediment to employment as determined by a QRP.
- c. The individual can benefit from VR services in terms of an employment outcome as determined by a QRP.
- d. The individual requires VR services to prepare for, secure, retain, regain, or advance in employment as determined by a QRP.

C. Ineligibility Determination

- 1. If an individual is determined ineligible for VR services, refer to "Case Closure" (80-VR-02 and 80-VR-02-01).

D. Order of Selection

- 1. OOD shall utilize an Order of Selection (OOS) in the event that fiscal and personnel resources are projected to be inadequate to meet the service needs for all individuals in the next fiscal year. Regardless of whether or not OOD is operating under an OOS, an OOD qualified rehabilitation professional will determine and document the individual's priority category for VR services.
- 2. Priority category under OOS shall not be based on the following:
 - a. duration of state residency, per Residency/Immigration (80-VR-21);
 - b. type of disability;
 - c. race, color, religion, national origin/ancestry, disability, age (40 years or older), sexual orientation, gender or sex, veteran or military status, and/or genetic information or in any manner prohibited by law;
 - d. source of referral;
 - e. type of expected employment outcome;
 - f. particular service needs or anticipated cost of services required by an individual; or income level of the individual or his/her family
 - g. employment history or current employment status;
 - h. educational status or current educational credential.
- 3. OOD staff shall assess all individuals who are determined eligible for VR services to determine their functional limitations and then assign to one (1) of three (3) priority categories under OOS.
 - a. The three (3) categories (as listed below) are prioritized in the following order for the receipt of services.
 - i. Individual with a most significant disability (MSD)
 - a) This priority category is for an eligible individual who:
 - 1) has a severe physical, mental, and/or cognitive disability that seriously limits three (3) or more functional capacity areas, in terms of an employment outcome, and
 - 2) is expected to need multiple VR services over an extended period.

- ii. Individual with a significant disability (SD)
 - a) This priority category is for an eligible individual who:
 - 1) has a severe physical, mental, and/or cognitive disability that seriously limits one (1) or two (2) functional capacity areas, in terms of an employment outcome, and
 - 2) is expected to need multiple VR services over an extended period.
- iii. Individual with a disability (D)
 - a) This priority category is for an eligible individual who:
 - 1) has a physical, mental, and/or cognitive disability, but does not have functional capacity limitations, in terms of an employment outcome, or
 - 2) is not expected to need multiple VR services over an extended period.
 - b. Individuals who meet the requirement for presumptive eligibility (i.e. receive benefits under Title II or Title XVI of the Social Security Act) shall be assigned a priority category under OOS of at least SD unless there is documentation to show limitations in three (3) or more functional areas; then they shall be considered MSD.

E. Updating the Priority Category Under OOS

- 1. If new information is received by VR Staff or VR Contractors at any point during an eligible individual's case; the information shall be evaluated and QRP shall determine if the original priority category under OOS should be amended.

F. OOS Statewide Wait List

- 1. OOD may operate under a Statewide Wait List when resources (e.g. fiscal, personnel) are inadequate to meet the service needs of all individuals in the current or next fiscal year.
- 2. If a Statewide Wait List is necessary, an individual is placed on the list based on assignment of their priority category under OOS and then date of application.
 - a. Students who began Pre-ETS prior to being determined eligible and placed on the Statewide Wait List may continue to receive Pre-ETS service(s), (not just the one(s) previously authorized), regardless of the priority category.
 - i. If a student with a disability did not begin any Pre-ETS prior to being determined eligible and placed on the Statewide Wait List, he/she shall not receive Pre-ETS until removed from the Wait List.
 - b. Individuals, who have begun to receive services under an Individualized Plan for Employment (IPE), prior to the effective date of the Statewide Wait List, shall continue to receive services regardless of the priority category assigned under OOS.
- 3. Individuals who are placed on the Statewide Wait List shall be provided information and referral to other local programs as required in "VR Information and Referral" (80-VR-11-07).

4. If an individual's priority category under OOS is amended and he/she is still on the Statewide Wait List, his/her placement shall be reprioritized or, if applicable, he/she shall be served immediately.

G. Statewide Wait List Release

1. The Director, or designee, shall establish a Statewide Wait List release schedule based upon OOD's ability to serve additional individuals (i.e. personnel and/or fiscal resources become available).
2. Prior to each release date, a determination shall be made by the Bureau of Vocational Rehabilitation (BVR) Deputy Director, or designee, regarding the number of individuals that are to be released.
3. OOD shall release individuals from the Statewide Wait List in the following order:
 - a. by their priority category under OOS;
 - b. by their application date; and
 - c. alphabetically by last name.

H. Statewide Wait List Termination

1. A Statewide Wait List shall end when the Director, or designee, determines that adequate resources are available to provide services to all individuals who meet the eligibility criteria.

I. Notification

1. Individuals shall be appropriately notified, in writing, at the time of eligibility determination, assignment or reassignment to a priority category under OOS and, if applicable, placement on a statewide waitlist.
 - a. Included in the notification shall be their appeal rights and the availability of services from a client assistance program (CAP).

J. Violation

An employee who violates this policy may be subject to discipline up to and including removal.

FORMS AND ATTACHMENTS

- N/A

RESOURCES

- 80-VR-11-12 Transition (to be converted to 80-VR-20 and 80-VR-20-01)
- 80-VR-11-01 Vocational Rehabilitation (VR) Assessment Services
- 80-VR-01 and 80-VR-01-01 Application and Intake
- 80-VR-01.A Participant Information/Application for Vocational Rehabilitation Services
- 80-VR-21 Residency / Immigration

FUNDING

Programs provided by the Opportunities for Ohioans with Disabilities are funded, in whole or in part, with federal grants awarded by the U.S. Department of Education (DOE) or the U.S. Department of Health and Human Services (HHS).

For purposes of the Vocational Rehabilitation (VR) Program, including Pre-Employment Transition Services (Pre-ETS), OOD received 78.7% of its funding through the DOE VR grant. In Federal fiscal year (FFY) 2018, OOD received \$100,336,097 in federal funds. Funds appropriated by the State covered 21.3 % of the total costs, or \$27,155,767. Of these federal funds, \$15,050,415 is set aside for Pre-ETS.

REVIEW

It is the responsibility of the Deputy Director, or designee, to review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director, or designee, shall document the review as required in "Policy and Procedure Development, Review, Dissemination and Acknowledgement" (10-ADM-01).