

Section A. State Rehabilitation Council

A. 4. In accordance with the requirements in Section 101(A)(21)(A)(II)(III) of the Rehabilitation Act, include a summary of the Council's input (including how it was obtained) into the State Plan and any State Plan revisions, including recommendations from the Council's annual reports, the review and analysis of consumer satisfaction and other Council reports.

The Office of Vocational Rehabilitation (OVR) must consult with the State Rehabilitation Council (SRC) when the agency has determined it will not be able to serve all eligible individuals who apply for services. In accordance with the SRC bylaws, a special meeting for the Executive Committee was called by the SRC Chairperson to discuss the agency's need to implement an Order of Selection (OOS). The meeting was held on January 13, 2025, and a representative from the Client Assistance Program (CAP) was in attendance. The Executive Director gave an overview of the agency's current and projected fiscal data, spending patterns, cost over the last four years and staffing variables contributing to the need to implement an OOS. All priority categories were explained, how the OOS would work and the implications of the order. Other measures put in place were briefly discussed, such as the establishment of a wait list, cost sharing and providing information and referrals. The committee was assured that the decision was not taken lightly, and that the agency had consulted the U.S. Department of Education's Rehabilitation Services Administration (RSA), received technical guidance from the Vocational Rehabilitation Technical Assistance Center for Quality Management (VRTAC-QM) and informed Cabinet leadership regarding the decision. While the committee understood the gravity of the situation and the decision to move

forward with OOS, they also recognized this news may be difficult for many people. However, members believed it was an appropriate step to take fiscal responsibility. Overall, the Executive committee viewed the need to implement the OOS as necessary given the information received. The public hearing dates, times and locations were set for February 13th in the morning and evening at the Charles W. McDowell Center for the Blind (McDowell Center), February 18th in the evening at the Carl D. Perkins Training Vocational Center (CDPTVC), and virtual only in the afternoon on February 20th.

During the SRC quarterly meeting on January 27th, the SRC Chairperson provided a summary of the Executive special meeting, including the dates for the public hearings necessary before any proposed substantive policy changes to VR services. The Executive Director provided a detailed PowerPoint presentation regarding the need to implement an OOS, the implications of the order and how the order would be implemented. The Director of Field Services further provided information regarding how cases would be managed, definitions of categories and what an OOS might look like. Members sought to understand the responsibility for the wait list, information and referrals and other programs that might be affected by an OOS. A representative from the fiscal department attended the meeting to provide members an opportunity to ask questions regarding the projected funds. Two representatives from the CAP, including the Executive Director of CAP, was present. A motion to approve the agency's decision to implement OOS was passed. After the full council meeting, the public announcement was distributed to council members, stakeholder and the public.

The agency held four public hearings in February to inform the public of OVR's proposed policy changes. All meetings provided virtual options to participate, and three meetings were hybrid. A 30-day public comment period was provided for public comment. Both comments and questions were taken during the hearings, and answers were provided after the public comment period ended and posted to the OVR website for viewing. The main concerns expressed by the public were in the following four areas: intake process, impact on consumers, the agency's budget and priority categories. OVR published minutes for each public hearing.

On April 2nd, 2025, a special meeting for the Executive committee was called by the SRC Chairperson regarding an update to OOS and the need to close all priority categories. The meeting was held on April 7th, and a quorum was met. A representative from the Client Assistance Program (CAP) was invited to the special meeting and was in attendance. The Executive Director explained the update regarding the implementation of an OOS and the need to close all priority categories. The public hearing information was scheduled for April 14th with one meeting in the morning and one meeting in evening, virtual only. SRC members made comments, asked questions and answers were provided. Council members were encouraged to attend.

After the special meeting, the public announcement was sent to the full council and was posted on the ELC and OVR websites, OVR social media page and distributed widely throughout the OVR to staff, councils and stakeholders. A media advisory was sent through the ELC with information on how to join and participate in the hearings. Additionally, a 10-day comment period was given to allow the public an opportunity

to provide written comments by email and mail on the closure of all priority categories.

On April 14th, both virtual public hearings were held. Communication Access Realtime Translation (CART) and Interpreter services were provided. The Executive Director provided a PowerPoint presentation regarding the closure of all priority categories, the duplicative language identified by RSA in Priority Category 1 and 2, how the issue will be corrected and the impact once the order is in place. The public provided comments and questions during the open forum portion of the meeting, and the major point of concern was the impact on individuals with disabilities not being able to receive VR services. Additionally, clarification regarding what would happen specifically to individuals currently receiving services, individuals who sought services before the order, how long the definition corrections might take as it relates to timing for continuing services and the reason for not opening both priority categories for those most significantly disabled. Further questions regarding fiscal resources were asked. Finally, appreciation for informing the public and stakeholders was expressed, but concern for Kentuckians with disabilities being set back and hurt from the closure of all categories was expressed.

Section F. Annual Estimates

F. 1. Estimates for the next federal fiscal years; FFY25

A. For the VR program: FFY 2025

Priority Category (if applicable)	Individuals Eligible for Services	Eligible Individuals Expected to Receive Services under VR Program	Costs of Services using Title I Funds	Eligible Individuals Not Receiving Services (if applicable)
1	14,576	18,455	38,228,518	3,879
2	4,486	5,796	11,701,231	1310
3	365	455	760,479	90
4	8	8	9,825	0

A. For the SE Program: FFY 2025

Priority Category (if applicable)	Individuals Eligible for Services	Eligible Individuals Expected to Receive Services under Supported Employment Program	Costs of Services using Title I and Title VI Funds	Eligible Individuals Not Receiving Services (if applicable)
1	2,275	2,785	3,884,641	510

Section G. Order of Selection.

G. 1. Pursuant to Section 101(a)(5) of the Rehabilitation Act, this description must be amended when the VR agency determines, based on the annual estimates described in description (f), that VR services cannot be provided to all eligible individuals with disabilities in the State who apply for and are determined eligible for services.

The VR agency is implementing an order of selection with one or more priority categories closed.

G. 2(A) Justification for the Order

Introduction

After careful review of the agency's current and projected fiscal and personnel resources, a determination has been made to implement an order of selection. The projected available funds are not adequate to provide the full range of VR services to all eligible individuals with a disability who apply for services.

Factors influencing this decision include analysis of short- and long-term budgetary outlook, staffing variables, VR counselor's caseload size and expenditures, the comprehensive statewide needs assessment (CSNA), population data related to disability incidence, input from the State Rehabilitation Council and the public. Based on these factors, the agency has predicted that it would be operating in a deficit for the current FFY 2025 and possibly FFY 2026. Therefore, the agency has no other alternative except to implement an order of selection to protect resources and services for individuals with the most significant disability.

When an agency determines after assessing available projected funds and resources that it will not be able to provide services to all qualifying individuals, the agency must implement an order of selection to ensure that individuals with the most significant disability are prioritized.

Factors that will not be considered are duration of residency, type of disability, age, sex, race, color or national origin, source of referral, type of expected employment outcome, the need for specific services except those services provided in accordance with 361.36(a)(3)(v), or anticipated cost of services required by an individual or income level.

The projected timeline to begin an order of selection is May 1, 2025, and will be reviewed monthly, quarterly and each FFY the order is in place to continue analyzing the agency's fiscal and personnel resources.

Budgetary Outlook

Due to the growing cost of services, high staff retention and increase in salaries, OVR is estimated to spend \$109,923,442 in FFY 2025 with estimated available funding of \$92,011,900, leaving a deficit of (\$17,911,542) (See Table 5 and 6).

Congress has increased the federal grant award four out of the last 5 years, increasing the match requirements. The required state match comes from the State General Fund, which is only appropriated every two years, making it difficult to keep up with the federal award increases. Due to these circumstances, OVR had to reallocate funds to stay in compliance with the regulations set forth by U.S. Department of Education and to stay in good standing with RSA. In addition to the U.S Department of Education Grants, OVR has financial resources from Program Income and utilizes some of this to assist the Older Individuals

Who Are Blind program to ensure effectiveness and sustainability, which is critical to serving this growing population within the state.

Most importantly, OVR has had a significant increase in consumer referrals and applications in the past several years, and thus far in FFY 2025, the data trends show continued growth and the potential for a more significant increase in these areas. The Division of Field Services focused on ways to address the increase of referrals by hiring additional counselors and assistants to effectively manage the growth.

In addition, to meet the needs and demands of the agency, the Program Policy and Quality Assurance Branch was expanded to include two section supervisors. The agency recently completed and implemented new and revised fee schedules and structures for the Supported Employment (SE) program, which increased the amount paid to community rehabilitation providers (CRPs). However, this increase was necessary to maintain quality services to individuals with the most significant disabilities.

While efforts in outreach and addressing needs identified in the CSNA have been successful in creating more visibility to the VR program, they may have also contributed to the high increase in referrals, applications and services provided. Kentucky is one of the top three states in the nation with the highest disability prevalence at 18.1%, which is worth noting for forecasting the need for VR services. There is reason to expect and prepare for more individuals with disabilities seeking VR services. Based on the high disability prevalence in the state, the agency foresees that more qualifying individuals will seek VR services in the next coming years as we have seen, and expenses will rise to try and meet those needs to maintain quality services. However, the fiscal

resources will not be available to address these needs without implementing a process of selection.

Estimated Expenses Basic Support Only (Oct 2024– Sept 2025)
(Table 5)

Category	Estimated Expenses
Salary and Fringe	\$45,835,075
Other Personnel	\$2,661,560
Indirect Cost	\$5,991,219
Operating Cost	\$10,709,550
Benefits	\$43,931,181
Capital	\$794,857
Total	\$109,923,442

Estimated Available Funding Basic Support Only (Oct 2024 – Sept 2025)
(Table 6)

Category	Estimated Available Funding
RSA Vocational Rehab FFY23 Award	\$1,522,110
RSA Vocational Rehab FFY24 Award	\$11,814,212
RSA Vocational Rehab FFY25 Award	\$56,106,133

Category	Estimated Available Funding
Social Security Administration 2024	\$331,819
Social Security Administration 2025	\$3,299,839
KY Business Enterprises – Unassigned Vending and Vendor Set-A-Side FFY24	\$72,167
KY Business Enterprises – Unassigned Vending and Vendor Set-A-Side FFY25	\$300,000
Non-Federal Share FFY24	\$361,488
Non-Federal Share FFY25	\$18,204,132
Total	\$92,011,900

Growing Cost of Providing Services

Consumer services has seen an unprecedented increase in cost after the COVID-19 Pandemic and in the last several years. The agency's cost of services has surpassed the full FFY 2022 at mid-point of the current FFY 2025. The projected cost for the full FFY 2025 would be approximately \$51,207,849 The agency foresees even higher cost for FFY 2026, and the agency would be unable to serve all eligible individuals with disabilities at this pace of increase. (See Table 7).

Factors identified above show the agency's rising costs against estimated expenditures and available funding, presses the need to prioritize services for individuals with the most significant disability for the FFY 2025. More available projected funds and personnel resources

will be needed since the agency is, and will be, serving more individuals with disabilities than before based on the data provided in Table 7.

Growing Cost of Consumer Services
(Table 7)

Federal Fiscal Year (FFY)	Growing Cost of Consumer Services
FFY 2022	\$21,457,159
FFY 2023	\$33,989,584
FFY 2024	\$44,294,493
FFY 2025 (Oct 1, 2024, thru March 25, 2025, 5 months)	\$25,603,925

Projected Cost of Consumer Services for the full FFY 2025

Federal Fiscal Year (FFY)	Projected Cost of Consumer Services
FFY 2025	\$51,207,849

VR Caseload and Expenditures

Counselor caseload has increased significantly in the past few years and continues to grow. Currently, the average caseload size for counselors is 303 due to the increase in consumer referrals and those meeting eligibility status. Studies have shown that large caseload sizes

contribute to increased risk of work-related stress, counselor burnout and less effective counseling due to reduced time available for each consumer. Increased wait times for services have been shown to reduce consumer engagement in the VR process and negatively impact successful consumer outcomes. As referrals and the number of eligible individuals with disabilities applying for services rise, the ability to continue providing quality services will be a great challenge, especially for individuals with the most significant disabilities in Priority Category 1 and Priority Category 2.

Since 2021, increases were seen in all areas—applications, eligibilities, cases, expenditures and employment outcomes as well as the number of individuals served. (See Table 8).

Yet, in FFY 2024, the agency successfully assisted 4,953 individuals with disabilities in achieving competitive integrated employment. This is all while experiencing a substantial increase in the number of consumer referrals. The agency received 19,197 new referrals, which was an increase of 2,462 referrals from 2023. This is roughly a 15% increase. However, there were gains in wages for consumers. The average hourly consumer wage increased to just over \$23 per hour with an average of 34 hours worked per week.

Caseload and Expenditure Increases
(Table 8)

Areas	2021	2024	% of Increase
Applications	6,297	12,310	95%
Eligibilities	5,606	11,335	102%
Employment Outcomes	2,756	4,915	78%
Expenditures	23,296,462	40,178,804	72%

As historical data reflects, there has been yearly increases in counselor caseloads and expenditures since 2021, and with this trend, it is anticipated that further strain will be placed on fiscal and personnel resources. Implementing order of selection would effectively manage this increase yet ensuring that those individuals with the most significant disabilities will be served.

Programmatic Data and Fiscal Forecasting

OVR utilized FFYs 2021 through 2024 (4 years) as a basis for its programmatic data analysis and fiscal forecasting. The highest increased spending trends were identified for the following service categories:

- **Assessment** increased 146% from 1,544,250 in 2021 to 3,807,358 in 2024.
- **Benefits Counseling** increased 150% from 66,600 in 2021 to 167,075 in 2024.

- **Diagnosis and Treatment** increased 226% from 1,393,395 in 2021 to 4,545,688 in 2024.
- **Four Year College or University Training** increased 53 % from 4,256,105 in 2021 to 6,497,128 in 2024.
- **Junior or Community College Training** increased 75% from 1,365,049 in 2021 to 2,387,067.23 in 2024.
- **Occupational/Vocational Training** increased 243% from 512,574 in 2021 to 1,758,242 in 2024.
- **On-the-job Supports- short term** increased 164% from 592,605 in 2021 to 1,565,653 in 2024.
- **On-the-job Supports -Supported Employment** increased 46% from 2,354,139 in 2021 to 3,425,481 in 2025.
- **Rehabilitation Technology (Assistive Technology)** increased 136% from 4,346,958 in 2021 to 10,251,960 in 2025.
- OVR analyzed attrition rates as a part of the fiscal forecasting. Authorizations on a quarterly basis for FFY 2024 averaged a 29.82% cancellation rate and 82% were paid.

OVR utilized FY 2021 through 2024 (4 Years) as a basis for its fiscal forecasting and programmatic data analysis for assessment. OVR analyzed expenditures for each priority category and by applicant as well as by case status and distinct case count to assure availability of funds for the implementation of order of selection. Assessment expenditures increased 146% from \$1,544,251 in 2021 to \$3,805,157 in 2024. For all cases status the numbers receiving services in assessment increased 110% from 4,222 in 2021 to 8,861 in 2024 with the highest numbers in application status (87%).

Individuals who are beneficiaries of Social Security Disability Insurance (SSDI) or recipients of Supplemental Security Income (SSI) for disability reasons are presumed eligible for VR Services. In all cases, OVR will ensure comprehensive assessments are conducted in order to

sufficiently assess eligibility while operating under order of selection. If the individual is determined eligible, they will be assigned to a Priority Category based on their functional limitations and either develop an IPE or be placed on a wait list. Individuals will receive contact information for other employment programs or other services that may be able to assist them.

OVR met with the required partners of the American Job Centers assuring that partner staff understand order of selection and that they can anticipate referrals statewide through the workforce system. This included the Office of Adult Education, Office of Career Development and Office of Employer and Apprenticeship Services. OVR also has communicated the changes with the local workforce area directors and staff. Staff were also provided information and training on the area of referral to other employment programs including the fact that any Ticketholders who do not meet the order of selection may be able to work with an Employment network for their services.

Personnel Resources

Staffing variables contributed to the rising costs determining the need for implementing an order of selection. The trajectory over time has shown notable fluctuations in the agency's staffing and consumer services that began during the COVID-19 Pandemic. In 2020, the turnover rates for all organizational units within OVR ranged from 15.38% to 44.44% which prompted the beginning of research on the need for raises for OVR professional staff to assist with retention rates. The agency began to place greater focus on training and development to assist new staff in learning.

National studies show that it takes on average 2 years for a vocational rehabilitation counselor to learn their job tasks and become acclimated to their role. Loss of experienced staff in these positions resulted in a loss of valuable knowledge and continuous turnover not only significantly impacting the quality of services for consumers but impacts funds because of the continuous training of new staff.

However, in 2023 with higher starting pay, retention rates were stronger and stabilized the cycle of hiring and turnover to a reasonable proportion. By 2024, the agency experienced a substantial increase in the number of consumer referrals and the agency had to focus on ways to manage the increase, which involved retaining more counselors, assistants and section supervisors.

The turnover rate for Q3 (third quarter) 2024 for division of field services in particular was reduced to 1.25%. Additionally, if the agency had remained in the cycle of loss of staff it would have been difficult to meet the needs of the additional consumers that have come through the doors.

Though counselor retention is high, the impact of the prior turnover rate means the average counselor has been with the agency less than 5 years. The agency has personnel standards for hiring qualified counselors, Kentucky does not currently have a dedicated undergraduate or graduate program in rehabilitation counseling. This is a factor in hiring individuals with specific degrees in rehabilitation counseling. Many of our staff have backgrounds in social work or other related degrees with limited experience in vocational rehabilitation. This requires more dedication of financial and personnel resources to ensure they receive the proper training to perform the essential functions of their job including their non-delegable duties. Based on these factors,

we project staff salaries and training needs will continue to grow into the next FFY.

Cost Saving Measures

OVR has implemented several cost saving measures prior to the implementation of order of selection. All personnel actions were put on hold and every vacancy will be scrutinized to assure it is needed for crucial programmatic services. Leadership has thoroughly reviewed contractual agreements and identified areas of costs cutting measures. Capital projects are now limited to those required for mechanical or programmatic necessity. All agency sponsored out-of-state travel for conferences has been discontinued. OVR has requested managers for a prioritization of virtual options for meetings, trainings and other staff meeting interactions. Managers have been reviewing all in-house purchases for supplies.

The agency, in conjunction with Education and Labor Cabinet leadership, reviewed all existing personnel within the agency and their job responsibilities. As a result, the agency released from employment 14 temporary employees and 11 employees on probation. The release comprised employees from across all agency divisions, but the largest impact was on Division of Field Services. The agency is utilizing staff that remain to redistribute duties to ensure that quality services to consumers continue and they are provided within the required federal timelines.

The agency reinstated consumer cost-sharing on March 19, 2025, and all staff were trained on implementation. Forms and the case management system were evaluated to ensure that this is implemented accurately and according to current agency policy and procedures.

The agency has also reviewed with staff the policies and procedures associated with utilizing existing assessment resources to determine eligibility as appropriate to reduce costs associated with unnecessary processes.

G. 2(B) The order (priority categories) to be followed in selecting eligible individuals to be provided VR services ensuring that individuals with the most significant disabilities are selected for services before all other individuals with disabilities; and

OVR, in consultation with the SRC, has determined that it will not be able to serve all eligible individuals with a disability and must implement an order of selection. In accordance with 34 CFR 361.36(a)(1), when an agency determines that it will not be able to provide services to all eligible individuals in the state who apply for the services, the agency must implement an order of selection.

Based on factors stated in the justification of this section, the agency will prioritize those individuals with the most significant disability being served, first.

OVR Priority Categories

The agency has the following four (4) priority categories to be followed in selecting eligible individuals to be provided services ensuring that individuals with the most significant disabilities are selected for services before other individuals with disabilities:

Priority Category 1: Eligible individuals with a most significant disability that limits three (3) or more functional capacities.

- Priority Category 2:** Eligible individuals with a most significant disability that limits two (2) functional capacities.
- Priority Category 3:** Eligible individuals with a significant disability that limits one (1) functional capacity.
- Priority Category 4:** Eligible individuals with a non-significant disability.

Definitions

In accordance with 34 CFR 361.42(a) and 34 CFR 361.5 (c)(30), OVR defines eligibility determined by qualified personnel as follows:

1. An individual who has a physical or mental impairment that constitutes or results in a substantial impediment to employment; and
2. An individual who needs rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice presumed to have a goal of an employment outcome.
3. An individual is presumed eligible that meets the above requirements and any applicant with a significant disability who has been determined eligible for Social Security Benefits and intends to achieve an employment outcome.

Significance of Disability and Functional Capacity

- **Individual with a most significant disability** means an individual who has a significant disability that limits two (2) or more areas of functional capacity who has one or more severe physical or mental impairments that seriously limits one or more functional capacities, in terms of an employment outcome, due to one or more severe physical or mental impairments, and who is

expected to require multiple vocational rehabilitation services over an extended period of time.

- **Individual with a significant disability** means an individual with a severe disability that seriously limits one or more areas of functional capacity, in terms of an employment outcome, due to one or more severe physical or mental impairments, and who is expected to require multiple vocational rehabilitation services over an extended period of time.
- **Non-significant disability** means an individual with a disability who has been determined eligible for the VR program, but does not meet the criteria for an individual with a significant disability nor the criteria for an individual with a most significant disability.
- **Functional Capacity** means the capacity to perform tasks required in employment including a.) mobility; b.) communication; c.) self-care; d.) self-direction; e.) interpersonal skills; f.) work tolerance; or g.) work skills.

Closed Categories

The agency will close all priority categories.

On March 17, 2025, OVR leadership met with the RSA team regarding the amendment for the state plan. When the OOS amendment was submitted to RSA, they identified duplicative language in the priority category definitions for Priority Category 1 and Priority Category 2. In seeking to implement OOS, RSA identified that the agency included “most significant” in both Priority Category 1 and 2, and therefore is required to treat both categories the same, either both open or both closed. There are insufficient funds to leave both categories open; and therefore, OVR must close all categories. Closing all categories will ensure compliance with regulations, while allowing time to update the priority category definitions and address funding. In accordance with criteria established by the State, for the order of selection, individuals

with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and in accordance with 34 CFR 361.36(a)(3)(iv). OVR will assure that individuals who do not meet the order of selection criteria will be provided information and referral.

In order to allow time for OVR to address the necessary changes to the definitions and to continue OOS implementation, the agency submitted an updated amendment that includes closure of all categories. Because changing the priority category definitions is a major change to policy, in the upcoming months of 2025, OVR will hold additional public hearings to address the changes to the definitions at the federal level as well as within state regulations that mirror federal language. The agency will work with the Rehabilitation Services Administration to craft definition recommendations in keeping with federal regulations. OVR will inform the SRC and hold public hearings to provide an opportunity for comments prior to amending the definitions and updating state regulations that mirror the definitions. The agency will work expeditiously through due process to address the definition concerns and open categories as funding allows and definition corrections are approved.

G. 2(C) The VR Agency's goals for serving individuals in each priority category, including how the agency will assist eligible individuals assigned to closed priority categories with information and referral, the method in which the VR Agency will manage waiting lists, and the projected timelines for opening priority categories. Note: Priority categories are considered open when all individuals in the priority category may be served.

The agency, in consultation with the SRC, has determined that the agency lacks available projected funds and personnel resources to serve all consumers. The office shall follow an order of selection to give priority for services according to a ranking of categories of consumers based on the severity of the disability.

The agency will close all priority categories. The Executive Director shall direct the order of selection by designating in written memorandum, the priority category to be served. The following describes how the agency will assist eligible individuals assigned to closed priority categories and how the wait list, information and referral will be managed. The order of selection shall be implemented on a statewide basis.

The order of selection will not use any of the following factors in determining eligible individual's residency duration, type of disability; age, gender, race, color, or national origin, source of referral, type of expected employment outcome, need for specific services or anticipated cost of services, or the income level of the individual or its family.

The order of selection shall not affect: a) the acceptance of referrals and applicants; b) the provision of assessment services to determine whether an individual is eligible for vocational rehabilitation services; c) the individual's priority category assignment under the order of selection; and d) services needed by any eligible individual who has

begun to receive services under an individualized plan for employment prior to the effective date of the order of selection, irrespective of the severity of the eligible individual's disability. The office will ensure that all funding arrangements for providing services under the State plan, including third-party arrangements and awards under the establishment authority, are consistent with the order of selection.

The office shall conduct an assessment to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under the order of selection. The VR Counselor determines the eligibility of the individual and their priority category based on a review of the data from the assessment.

On the day that all priority category closure occurs, the following will be true for these groups of consumers:

1. Individuals who have an Individualized Plan for Employment (IPE) that was implemented prior to the closure of priority categories, will continue to receive services as indicated on their IPE regardless of their priority category assignment.
2. Individuals who have been determined eligible and assigned a category, but do not have an IPE written, will be placed on the wait list.
3. Individuals who have applied but have not been determined eligible and assigned a priority category, will have their eligibility determined, assigned a priority category and placed on the wait list.

The process for the waiting list is as follows:

Once an individual has been determined eligible and assigned to a closed priority category by the Vocational Rehabilitation Counselor, the individual will receive notification through the counselor in writing of:

- a. The individual's assignment to a particular category;
- b. The priority categories currently being served;
- c. The individual's right to appeal the category assignment and the availability of the Client Assistance Program (CAP);
- d. Information and referral services; and
- e. The individual is informed that they have been placed on a wait list until the time the agency is able to provide them with services.
- f. The contact information of their counselor so they may request additional information.

The waiting list will be maintained by the Director of Field Services and reviewed quarterly by both the Director of Field Services and the Regional Managers.

Consumers on the wait list will be contacted quarterly to inform them of the status of Order of Selection and their specific priority category. The consumer will be asked regarding their preference for remaining on the waiting list.

At the time when funds become available, the agency will serve consumers from the wait list based on priority category or if sufficient funds are available open a category prioritizing those who are most significant disability.

1. The office will assure that eligible individuals, who do not meet the order of selection criteria for the priority categories, shall have access to services provided through the information and referral system in accordance with the 1973 Rehabilitation Act, as amended by WIOA, in accordance with 34 CFR 361.37.
2. Consumers will be provided with contact information for other Federal and State programs including the statewide workforce investment programs.

- a. Documentation of the nature and scope of information and referral services provided will be included in the individual service record and entered in the Case Management System (CMS).

Consumers who do not wish to remain on the wait list may contact their counselor and request that their case be closed. They will receive notification from their VR Counselor when the case has been closed and of their right to appeal the agency's decision, including information on how to contact CAP. The notification will include information on how they may reapply for services in the future if their circumstances change or if the agency makes changes to order of selection.

Quarterly, the Executive Director, Executive Leadership Team, and SRC along with fiscal staff will reevaluate the agency circumstances to determine whether the agency's resources are sufficient in serving all individuals or if there is a need to make changes in Order of Selection. At such time that the agency finds it is able to serve those individuals on the wait list, the consumer will be contacted to determine if they want to move forward with implementing an IPE. If at any time the agency finds that they have the resources to serve some individuals but not all individuals on the wait list, the date of application will be utilized as a criterion for ranking individuals within a priority category.

Circumstances that would allow this to occur include a decrease in the number of referrals or other sources that would result in additional funds, which could be utilized to serve these individuals.

When a priority category is to be opened for services, the Executive Director shall issue an implementing memorandum to staff, with instructions that appropriate services delayed under the order of selection may be provided.

G. 3. Has the VR agency elected to serve eligible individuals outside of the order of selection who require specific services or equipment to maintain employment?

No.