



EDUCATION AND
LABOR CABINET



Public Hearing Priority Category Definitions

Tuesday, June 3, 2025

10:00 – 11:00 AM (ET)

6:00 – 7:00 PM (ET)

kcc.ky.gov/Vocational-Rehabilitation

Welcome and Introductions

Technology, Accessibility, Guidance on meeting participation, and Staff introductions

Accessibility Reminders

- Today's presentation and supporting materials are available on Office of Vocational Rehabilitation's (OVR) website and links are in the Zoom chat.
- Communication Access Realtime Translation (CART) Captioning Services and ASL Interpreters are available. Please let staff know if you have technical issues that we can assist with resolving.

Staff Introductions

- **Cora McNabb**, Executive Director of the Kentucky Office of Vocational Rehabilitation – Presenter
- **Holly Hendricks**, Division Director of the Kentucky Office of Vocational Rehabilitation - Presenter
- **Susie Edwards**, Deputy Executive Director of the Kentucky Office of Vocational Rehabilitation - Facilitator
- **Chad Hunt**, VR Administrator and Technology Specialist

Public Hearing Format and Comment Procedures

1. There will be a presentation from the Kentucky Office of Vocational Rehabilitation on priority category definitions.
2. Following the presentation, participants will have the opportunity to make comments verbally or via the Q & A feature on Zoom until the 60-minute meeting time allotment expires.
3. Limit comments to 3 minutes.
4. At the conclusion of the 60-minutes, the public may continue to submit written comments to OVRPublicComment@ky.gov. This link was also included in the public announcement.
5. OVR will document all verbal and written comments submitted through public hearings and to the email link.
6. The collected public comments will appear in the minutes from this hearing and will be published on the [OVR website](#) no later than June 27, 2025, at noon (ET).
7. Cora McNabb will now begin the presentation.

Hearing Agenda

1. General Overview of Priority Categories based on Order of Selection Manual from the Vocational Rehabilitation Technical Assistance Center on Quality Management.
2. Priority Categories
 - a. General Overview of Current KY OVR and Duplicative Language
 - b. Information from Other States in OOS
 - c. Proposed Priority Category Definitions

General Overview of OOS and Priority Categories

Cora McNabb - Presenter

OOS Manual from the Vocational Rehabilitation Technical Assistance
Center on Quality Management

Basis for Order of Selection

An order of selection must be based on a refinement of the three criteria in the definition of “individual with a significant disability” in section 7 (21) (A) of the Rehabilitation Act and 34 C.F.R. 361.5 (c) (30).

State-Defined Criteria

The three criteria to be refined by the State VR agency include the following:

1. The number and degree of functional limitations;
2. The amount of time needed for VR services; and
3. The number of VR services needed.

Defining Significant Disability

- The definition of a significant disability is crucial for ensuring that individuals receive the appropriate supports and services to improve the quality of their life and employment opportunities.
- Defining significant disability is important as we recognize the intensity of the limitations may vary from person to person.
- Limitations related to disability may have a negative effect on essential life functions such as walking, talking, seeing and hearing that in turn impact working.

Disability Occurrence Impact

- Disability can be an early onset or later in life.
- An infant born with profound deafness; a child paralyzed for a playground injury; a young adult with depression and addiction; a young woman diagnosed with multiple sclerosis; or an older adult can lose vision with glaucoma.

Perception of Disability in the Workplace

- Misconceptions and stereotypes about disabilities can create barriers for individuals.
- Many underestimate the ability of individuals with disabilities.
- Many disabilities are not easily discernable and are effectively invisible.
- Many individuals look at the severity of disability differently and may define “most significant” differently based on their own personal experience or perception of what they think disability looks like.

Functional Capacity

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

What are the functional capacities?

- **MOBILITY** - limitations moving efficiently from place to place.
- **SELF CARE** - limitations in skills needed to fulfill basic needs related to health, safety, hygiene, and financial management.
- **WORK TOLERANCE** - limitations carrying out physical and/or cognitive work tasks in an efficient and effective manner over a sustained period of time.
- **INTERPERSONAL SKILLS** - limitations interacting in a socially acceptable, mature manner with colleagues and the public to facilitate the normal flow of work activities.

Functional Capacities (Continued)

- **WORK SKILLS** - limitations in critical skills needed to carry out essential work functions such as functional academics, motor skills, processing speed, memory, and communication.
- **COMMUNICATION** - limitations accurately and efficiently transmitting or receiving information verbally or non-verbally.
- **SELF-DIRECTION** - limitations in planning, initiating, and monitoring behavior with respect to a desired outcome that serves to benefit the individual.

These are defined in 34CFR361.5(c)(30)(i).

Defining Most Significant Disability

The VR agency is to establish a definition of “most significant disability” based on the refinement of “significant disability” in 34 C.F.R. 361.5 (c)(30).

Federal Definition of an Individual with a Significant Disability

- 34 CFR 361.5(30) defines “individual with a significant disability” as an individual with a disability:
 - Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
 - Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

Federal Definition of an Individual with a Significant Disability (continued)

- Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Current KYOVR Categories

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

Three Priority Categories

- Priority Category I: Eligible individuals with the most significant disabilities
- Priority Category II: Eligible individuals with significant disabilities
- Priority Category III: All other eligible individuals with disabilities
 - Note: Taken from OOS Manual from VRTAC-QM

Information from Other States in OOS

These are some of the states noted earlier that are in approved OOS

Open and Closed Categories in OOS States

- Idaho – 0 of 3 open
- Maryland – 1 of 3 open
- Minnesota – 1 of 4 open
- Missouri – 1 of 3 open
- Oklahoma – 1 of 3 open
- Pennsylvania – 1 of 3 open
- Washington – 2 of 5 open
- West Virginia – 1 of 3 open
- Wisconsin – 2 of 3 open

States with Three Priority Categories

- Idaho, Maryland, Missouri, Oklahoma, Pennsylvania, West Virginia and Wisconsin
 - Priority Category 1: Most Significant Disability
 - Priority Category 2: Significant Disability
 - Priority Category 3: Disability

RSA recommends states consider 3 categories

Minnesota

- **Priority Category One** (first priority for service) includes all individuals with a most significant disability, that is, persons whose condition results in serious limitations in three or more functional areas.
- **Priority Category Two** (second priority for service) includes all individuals with a significant disability that results in serious functional limitations in two functional areas.
- **Priority Category Three** (third priority for service) includes all individuals with a significant disability that results in a serious functional limitation in one functional area.
- **Priority Category Four** (fourth priority for service) includes all other eligible customers. These customers have a disability that makes them eligible for services, but they do not have a serious limitation in a functional area.

Connecticut (Not in OOS)

(Priority Category 1)

- Priority Category 1: "Most Significant Disability" A severe physical or mental impairment that seriously limits four or more functional capacity areas in terms of an employment outcome. Functional capacity areas are: mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, or work skills.

Connecticut (Not in OOS)

(Priority Category 2)

- Priority Category 2: "Significant Disability" means an eligible individual who meets the following criteria: A severe physical or mental impairment that seriously limits one or more functional capacity areas in terms of an employment outcome. Vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

Connecticut (Not in OOS)

(Priority Category 3)

- Priority Category 3: "individual with a disability" is determined eligible who meets the following criteria: If an individual has a documented disability. That disability impedes his/her ability to keep or get a job. That individual cannot overcome these limitations to get a job without BRS' unique services. There is no evidence that he or she won't be able to work following these unique services.

Indiana (Not in OOS)

- **Priority Category 1: Individuals determined to have a most significant disability (MSD);**
- **Priority Category 2: Individuals determined to have a significant disability (SD); and,**
- **Priority Category 3: All other eligible individuals (Individuals determined to have a non-significant disability (NSD)).**

Draft Priority Categories

The following slides address the proposed category changes.

1 KYOVR Proposed Priority Categories

- Priority Category I: Individual with a most significant disability.
- Priority Category II: Individual with a significant disability.
- Priority Category III: Individual with a non-significant disability.

2 KYOVR Proposed Priority Categories

- Category 1: Individual with a most significant disability means an individual who has a significant disability that limits four (4) or more areas of functional capacity, in terms of an employment outcome.
- Category 2: Individual with a significant disability means an individual with a severe physical or mental impairment that seriously limits three (3) areas of functional capacity in terms of an employment outcome.
- Category 3: Individual with a significant disability means an individual with a severe physical or mental impairment that seriously limits one (1) to two (2) areas of functional capacity in terms of an employment outcome.
- Category 4: Individual with a disability that does not meet the criteria for a significant disability nor the criteria for an individual with a most significant disabilities in terms of an employment outcome.

3 KYOVR Proposed Priority Categories

- Category 1: Individual with a most significant disability; an individual with a disability who has been determined eligible for vocational rehabilitation services, requires multiple vocational rehabilitation services over an extended period of time; and experiences serious limitations in four or more areas of functional capacity.
- Category 2: Individual with a significant disability ; an individual with a disability who has been determined eligible for vocational rehabilitation services, requires multiple vocational rehabilitation services over an extended period of time, and experiences serious limitations in one to three areas of functional capacity,.
- Category 3: Individual with a disability an individual who has been determined eligible for vocational rehabilitation services and does not meet the criteria for an individual with a most significant disabilities in terms of an employment outcome.

Remaining Time

With the formal presentation completed there are XX minutes remaining in the 60-minute time allotted. Participants may unmute their microphone to provide a 3 minute or less comment and/or submit typed comments to the Q & A section of Zoom.

Public Meeting Participation and Comments

- The allotted 60-minute time has come to an end and this public meeting will close. Reminder for the following:
 - a. OVR will document all submitted comments from this meeting and those submitted via email.
 - b. The public comment period is from May 21, 2025 through June 17, 2025.
 - c. The collected public comments will appear in the minutes from this hearing and will be published on the [OVR website](#) no later than June 27, 2025, at noon (ET).