

Public Hearings on Updated Policy Changes to VR Services Meeting Notice and Agenda

Kentucky Office of Vocational Rehabilitation

Date: Monday, April 14th, 2025

Time: 6:00PM – 6:30PM

Virtual Meeting via Zoom: [Meeting ID: 840 7235 5077](#)

OVR Mission Statement

To empower Kentuckians with disabilities to maximize independence and economic security through competitive, integrated employment.

- I. **Call to Order**
Lametta Isaacs, Vocational Rehabilitation Administrator

- II. **Opening Remarks**
Susie Edwards, Deputy Director

- III. **Presentation of Updated Policy Changes**
Cora McNabb, Executive Director

- IV. **Open Forum**
Susie Edwards, Deputy Director
Members of the public will have the opportunity to comment on matters specifically related to the topic on the agenda at this time.

- V. **Closing Remarks / Adjournment**
Lametta Isaacs, Vocational Rehabilitation Administrator

The Kentucky Education and Labor Cabinet

PUBLIC HEARING ANNOUNCEMENT

Contact: Lametta Isaacs, Vocational Rehabilitation Administrator, at lametta.isaacs@ky.gov.

FRANKFORT, Ky (April 7, 2025): The Kentucky Office of Vocational Rehabilitation (OVR) has updated its drafted proposed changes to the Vocational Rehabilitation (VR) Services Portion of the 2024-2027 Combined State Plan to implement an Order of Selection. An Order of Selection is a tool defined within the Rehabilitation Act for Vocational Rehabilitation (VR) programs to manage the consumer caseload when there is insufficient funding. OVR has scheduled two public hearings and a 10-day comment period to give stakeholders in the VR community and members of the public the opportunity to provide input and comment on the updated proposed policy changes affecting VR Services.

The primary purpose of the hearings is to present updated information regarding the closure of all priority categories. The U.S. Department of Education's Rehabilitation Services Administration (RSA) recently identified duplicative language in the priority category definitions for Priority Category 1 and Priority Category 2 that affects the original proposed state plan amendment. These definitions were approved by RSA in 2018; however, during this recent amendment submission, RSA identified an issue with the definitions. Given the identification of the duplicative language and the guidance received, OVR will be closing all categories. OVR will address the necessary changes to the definitions through the regulatory process, which allows public input. The agency will work expeditiously to address concerns with the definition and open categories as funding allows and updated regulations are approved. The hearings will focus on the reason for these changes and provide clarity on how they will enhance OVR's commitment to serving individuals with disabilities. Stakeholders in the VR community and members of the public are encouraged to attend.

Written comments should be sent via e-mail to OVRPublicComment@KY.gov or by mail to the Kentucky Office of Vocational Rehabilitation, Public Hearing Comment, 500 Mero Street, 4th Floor., Frankfort, KY 40601. The public comment period begins on April 7, 2025, at 4:00 PM EDT and ends on April 17, 2025, at 4:00 PM EDT.

You may access the draft policy changes from the [Vocational Rehabilitation - Kentucky Career Center](#) on our website under the heading “Order of Selection.” The information presented will be the same at each hearing. The hearing schedules with links for accessing the meetings are below.

Location	Date	Time	Platform
Virtual Only	Monday, April 14, 2025 (Morning)	10:00AM – 10:30AM EDT	Hybrid via Zoom Link: Meeting ID: 871 0116 9402
Virtual Only	Monday, April 14, 2025 (Evening)	6:00PM - 6:30PM EDT	Virtual via Zoom Link: Meeting ID: 840 7235 5077

Sign language interpreting services and CART services will be provided during each virtual hearing.

The Office of Vocational Rehabilitation, an agency of the Kentucky Education and Labor Cabinet’s Department of Workforce Development, assists Kentuckians with disabilities achieve gainful employment and independence. For more information about services, call the office toll free at 1-800-372-7172 or KCC.ky.gov. The Kentucky Education and Labor Cabinet coordinates learning programs from P-16 and manages and supports training and employment functions in the Department of Workforce Development. For more information about our programs, visit elc.ky.gov.

Proposed Amendment to the Vocational Rehabilitation (VR) Services Portion of the 2024 – 2027 Combined State Plan

Section G. Order of Selection

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.

2. For VR agencies that have defined priority categories describe—

A. The justification for the order

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. Factors influencing this decision include analysis of short- and long-term budgetary outlook, staffing projections, VR counselor's caseload size and expenditures, the needs of individuals with the most significant disabilities in the state's comprehensive needs assessment, population data related to disability incidence, and the State Rehabilitation Council (SRC). Based on these factors, the agency has predicted that it will be unable to provide VR services to all eligible individuals with disabilities who apply for services. 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.

The following factors will not be considered: 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.

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 State Rehabilitation Council (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 for implementing an order of selection in this section, the agency will prioritize those individuals with the most significant disability by the assurance of being served, first.

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

Priority Category	Definition	Status
Category 1	Eligible individuals with a most significant disability that limit three (3) or more functional capacities	Will be closed
Category 2	Eligible individuals with a most significant disability that limit two (2) functional capacities.	Will be closed
Category 3	Eligible individuals with a significant disability that limit one (1) functional capacity.	Will be closed
Category 4	Eligible individuals with a non-significant disability.	Will be closed

Definitions

OVR defines priority category terms as follows:

Eligible individual means an individual who has been determined by the office to meet the basic conditions of eligibility for vocational rehabilitation services.

Individual with a most significant disability means an individual who has a disability that limits two (2) or more areas of functional capacity.

Individual with a significant disability means an individual who has a disability that limits one (1) functional capacity.

Non-significant disability means a disability that does not limit a 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.

Meeting Participation

Vocational Rehabilitation Portion of the 2024-2027 Combined State Plan:

The Office of Vocational Rehabilitation (OVR) encourages the public to review the updated policy changes to the VR portion of the Combined State Plan, which is provided in this meeting packet. The current VR portion of the Combined State Plan can be found on our website at [Council Minutes, Reports and Publications - Kentucky Career Center](#).

The updated policy changes will be made to the following section: Section G. Order of Selection.

Public Comment:

The OVR encourages consumers, families of consumers, stakeholders and the public to provide input and/or comment regarding the proposed policy changes and topics discussed during the hearings.

The agency has provided a 10-day written comment period for the public to send comments prior to, during and after the hearings. All public comments should be sent to OVRPublicComment@ky.gov from April 7, 2025, through April 17, 2025. Comments may also be mailed to: Office of Vocational Rehabilitation, Public Hearing Comments, 500 Mero Street, 4th Floor, Frankfort, KY 40601.

Please observe the open forum section on the agenda to provide input or comment. If the public wishes to make their comment during this time, please respectfully adhere to the speaking time of 3-minutes so that others will have the opportunity to speak.

Disruptions:

Those who disrupt the facilitation of the meeting with offensive language and/or conduct will be dismissed.