

DUE TO MORE RESTRICTIVE ORDER OF SELECTION: 10/31/17

VR Portion of WIOA State Plan for the State of Rhode Island

Program-Specific Requirements for Vocational Rehabilitation

The Vocational Rehabilitation (VR) Services Portion of the Unified or Combined State Plan* must include the following descriptions and estimates, as required by section 101(a) of the Rehabilitation Act of 1973, as amended by WIOA:

* Sec. 102(b)(D)(iii) of WIOA

a. Input of State Rehabilitation Council

All agencies, except for those that are independent consumer-controlled commissions, must describe the following:

- 1. input provided by the State Rehabilitation Council, including input and recommendations on the VR services portion of the Unified or Combined State Plan, recommendations from the Council's report, the review and analysis of consumer satisfaction, and other Council reports that may have been developed as part of the Council's functions;**

SRC input after hearing

- 2. the Designated State unit's response to the Council's input and recommendations; and**

ORS response after SRC input

k. Annual Estimates

(Formerly known as Attachment 4.11(b)). Describe:

- 1. The number of individuals in the State who are eligible for services;**

1. The number of eligible individuals who will receive services under:

- A. The VR Program –

NUMBER OF INDIVIDUALS WHO WILL RECEIVE SERVICES UNDER TITLE I AND

As of 10/30/17, ORS has 3,991 active clients. This number includes 520 Non-Applicant PRE-ETS students; 3,421 Category I clients in different statuses; 48 Category II clients, of which 28 are on the Wait List; and 2 Category III clients on the Wait list.

NUMBERS TO BE SERVED IN EACH ORDER OF SELECTION PRIORITY CATEGORY

It is anticipated that beginning 12/1/17 all OOS categories I, II and III will be closed, and that as money and staff resources become available, individuals will be taken from the category 1 wait list by date of application. During the month of November 2017, ORS may admit 200 more clients in Category I to active status. In addition, ORS averages 1-2 post employment admissions per month. ORS in FFY 2017 admitted 12 eligible clients who need services to sustain employment

B. The Supported Employment Program; and

NUMBER OF INDIVIDUALS WHO WILL RECEIVE SERVICES UNDER TITLE VI AND NUMBERS TO BE SERVED IN EACH ORDER OF SELECTION PRIORITY CATEGORY

Each priority category, if under an order of selection;

- OOS Category I - Title I:- 2,897
- OOS Category I - Title VI:- 724
- OOS Category II - Title I:- 48
- Post-Employment Clients: 15

Over the past four years, ORS has averaged about 13 post employment clients/year. FFY 2014, ORS provided post employment services to 12 clients. FFY 2015, ORS provided post employment services to 14 clients. FFY 2016, ORS provided post employment services to 13 clients. FFY 2017, ORS provided post employment services to 16 clients. Therefore, in projecting the number of post employment clients that will open with ORS for FFY 2018, it is anticipated that at least 15 clients will be provided Post Employment Services or require services to maintain employment.

ORS will continue to implement the option of serving eligible individuals with a disability who are assigned to a closed OOS priority category, who are currently employed and at risk of job loss due to their disability, and who could benefit from VR services to maintain employment. In FFY 17, ORS provided services to 12 individuals waived from the OOS Wait List due to employment status need.

Total - 3,684

2. The number of individuals who are eligible for VR services, but are not receiving such services due to an order of selection; and

The OOS Wait List is 30 as of 10/30/17. Of this number, 28 are OOS Category II and 2 are OOS Category III. Each month, ORS averages 200 Category I admissions and 20 Category II admissions, so 220 clients will be admitted to Wait List for each month of FFY 2018. It is anticipated that by 10/30/18, 2,640 clients will be on the Wait List.

3. The cost of services for the number of individuals estimated to be eligible for services. If under an order of selection, identify the cost of services for each priority category.

OOS Category I - Title I : \$ 5,600,508.00

OOS Category I - Title VI : \$ 1,399,492.00

OOS Category II - Title I : \$200,000.00

Post Employment Clients: \$20,000.00

Maintain Employment clients: \$10,000.00

M. Order of Selection

Describe:

1. Whether the designated State unit will implement and order of selection. If so, describe:

ORDER OF SELECTION DESCRIPTION:

RSA requires that an Order Of Selection for Services be instituted any time that limited resources impede the agency from providing services to all eligible consumers. The Office of Rehabilitation Services (ORS) implemented an Order of Selection within its VR program in 2010. Based on a functional assessment in each of the seven areas of life functioning, eligible individuals are assessed according to the significance of their disability, as defined in the Rehabilitation Act, section 7(21)(A): ...the term "individual with a significant disability" means an individual with a disability –

(i) who has a severe physical or mental impairment which 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;

(ii) whose vocational rehabilitation can be expected to require multiple services over an extended period of time; and

(iii) who has one or more physical or mental disabilities resulting from [list] ... or another disability ... to cause comparable substantial functional limitations.

ORS policy establishes a priority for services based on the consumer's placement in the Order of selection:

- First priority will be given to consumers with the most significant disabilities or consumers classified in the Order of Selection as Category I. This category refers to a consumer who has a most significant disability if a mental or physical impairment exists that seriously limits three or more functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time.
- Second priority will be given to consumers with significant disabilities. A consumer has a significant disability if a mental or physical impairment exists that seriously limits one or two functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time.
- Third priority will be given to other eligible consumers who have a disability that seriously limits one or more functional capacities, but who do not require multiple services over an extended period of time.

Extended period of time: Six months or more.

Multiple services: Requiring two or more primary services.

A. The order to be followed in selecting eligible individuals to be provided VR services.

ORS will assign eligible clients to the Wait List who meet the criteria for Category I, Category II or Category III beginning 12/1/17. Two categories of clients will be exempt from placement on the Wait List: (1) as allowable in WIOA, eligible clients regardless of classification on the Order of Selection who need VR services in order to maintain current employment and (2) eligible clients in need of post employment services.

B. The justification for the order.

In FFY 2010 due to retirements, budget constraints, promotions, sick leaves, and workforce reductions, ORS implemented an Order of Selection that involved prioritizing services to Category I individuals with the most significant disabilities. All Category II and Category III individuals were placed on a Wait List for services. It was anticipated, at the time, that this restriction would continue through FFY 2017.

At the conclusion of FFY 2017, ORS is confronted with additional budget constraints, increased costs of services, and agency obligations to comply with a Department of Justice Consent Decree. ORS requested \$5,000,000 in reallocation

VR funds and received \$532,198, as a portion of the funds was used to assist hurricane states. The culmination of these factors is impeding the Agency's ability to provide services to all eligible individuals with the most significant disabilities, thus necessitating closure of all categories in the Order of Selection.

C. The service and outcome goals.

Projections for numbers to be served in FFY2018 are based on the current census:

Order of Selection (OOS):

- OOS Category I : 3621
- OOS Category II: 48
- Post Employment Clients: 15

- Maintain Employment clients: 12

D. The time within which these goals may be achieved for individuals in each priority category within the order.

Quantifying the length of time an individual is active with ORS is difficult as the necessary services, duration, and outcome is individualized to the needs of each customer.

Projections based on recent performance:

Priority Category I – 36 Months
Priority Category II – 13 Months
Post Employment Clients: 2 Months
Maintain Employment clients: 1 Month

E. How individuals with the most significant disabilities are selected for services before all other individuals with disabilities; and

ORS assures that its Order of Selection (OOS) policy gives first priority to individuals with the most significant disabilities, Priority Category I. Services are delivered within a comprehensive, coordinated program that is designed to assist these individuals to prepare for and engage in gainful employment in an integrated setting. Beginning 12/1/17, ORS is closing all categories and taking individuals off the Category I wait list as funds are available for services by date of application.

ORS notifies all individuals who do not meet the current Order of Selection and provides information and referral services. These alternative resources are intended to assist in obtaining employment and related services through such WorkForce development resources as the American Job Centers .

Individuals are reassessed when additional information about their functional limitations is received following the OOS classification decision.

Three exemptions to placement on the Wait List follow:

1. Requests for post-employment services are not subject to Order of Selection.
2. ORS will implement the option of serving eligible employed individuals who otherwise would be on the Wait List and who are currently employed and at risk of job loss due their disability.
3. Pre-Employment Transition Services (Pre-ETS) are ORS services that are provided to in-school youth with disabilities in collaboration with each Local Education Authority (LEA) or other school program. Students receiving Pre-ETS prior to eligibility determination may continue to receive Pre-ETS services after being determined eligible. Conversely, students determined eligible prior to beginning to receive Pre-ETS will not receive them until they are taken off the wait list. These transition services fall under the regulations outlined in the 2014 Workforce Investment Opportunities Act (WIOA) to help to prepare students for employment after high school. The Office of Rehabilitation Services strives to assist all students with significant disabilities who choose to work, to gain the necessary skills, preparation, exploration, and supports to enter the workforce.

F. If the designated State unit has elected to serve eligible individuals, regardless of any established order of selection, who require specific services or equipment to maintain employment.

In response to the WIOA waiver to the Order of Selection Wait List, ORS will be exercising its option to provide services to individuals, regardless of priority category, who are employed and need VR services to sustain employment.

Assurances

The designated State agency or designated State unit, as appropriate and identified in the State certifications included with this VR services portion of the Unified or Combined State Plan and its supplement, through signature of the authorized individual, assures the Commissioner of the Rehabilitation Services Administration (RSA), that it will comply with all of the requirements of the VR services portion of the Unified or Combined State Plan and its supplement, as set forth in sections 101(a) and 606 of the Rehabilitation Act. The individual authorized to submit the VR services portion of the Unified or Combined State Plan and its supplement makes the following assurances: **The State Plan must provide assurances that:**

1. Public Comment on Policies and Procedures:

The designated State agency assures it will comply with all statutory and regulatory requirements for public participation in the VR Services Portion of the Unified or Combined State Plan, as required by section 101(a)(16)(A) of the Rehabilitation Act.

ORS conducted a public hearing on 11/21/17 about the need to close Category 1 and take individuals off the waiting list by date of application as funds become available for their VR services. In addition, communication with the SRC, Disability Law Center, Department of Labor and Training, BHDDH, legislators, RIDE, and the vendor community has occurred.

2. Administration of the VR services portion of the Unified or Combined State Plan:

The designated State agency or designated State unit, as appropriate, assures it will comply with the requirements related to:

- c. consultations regarding the administration of the VR services portion of the Unified or Combined State Plan, in accordance with section 101(a)(16)(B) of the Rehabilitation Act.

4. Administration of the Provision of VR Services:

The designated State agency, or designated State unit, as appropriate, assures that it will:

- c. provide the full range of services listed in section 103(a) of the Rehabilitation Act as appropriate, to all eligible individuals with disabilities in the State who apply for services in accordance with section 101(a)(5) of the Rehabilitation Act? No