

Rehabilitation Services Policy Manual

SECTION Administrative Issues
PART Time Allocation Policy

SECTION NO. 1-18
PUBLISHED 10/23

- Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section
- Developing model transition demonstration projects
- Establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section
- Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations

Examples of Non-Pre-Employment Transition Services

The following are examples of activities staff would not track their time as pre-employment transition services:

- Attending all-office meetings, budget meetings
- Attending SRC meetings
- Recruiting and interviewing for new agency staff
- Human Service Assist support for Pre-ETS Transition Specialists
- Supervision of Pre-ETS Transition Specialists/completing performance reviews
- General case management activities for all other VR services

Process

Time spent on task groups must be recorded on your timesheet. RS staff will have to select the appropriate task group on their timesheet to reflect the time spent in that category. The RS supervisor approves the timesheets.

Compliance Note

VR agencies are not permitted to pay any administrative costs, as defined in section 7(1) of the Rehabilitation Act and §361.5(c)(2)), such as the salaries for associates or supervisors (unless engaged in providing required, coordination, or authorized pre-employment transition services), with the funds reserved for the provision of pre-employment transition services. Staff time for the purposes of this guide pertains to those individuals employed by the VR agency who directly provide pre-employment transition services.

Policy Revised 10/1/2024

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SECTION Applications and Eligibility
PART Referrals and Applications

SECTION NO. 2-1
PUBLISHED 02/26

2-1 Referrals and Applications

Synopsis of Federal Regulation

Rehabilitation Services (RS) will assure the prompt and equitable handling of referrals of individuals for vocational rehabilitation (VR) services. RS must make good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

RS must ensure that once an individual has submitted an application for VR services, an eligibility determination will be made as soon as possible, but no longer than 60 days from the date the application was submitted, unless:

- Exceptional and unforeseen circumstances beyond the control of the agency preclude a determination within 60 days and the agency and the individual agree to a specific extension of time; or
- A [Trial Work Experience \(TWE\)](#) is necessary.

It is the policy of KRS that eligibility extensions should only occur when exceptional and unforeseen circumstances occur that are beyond the agency's control such as the consumer being hospitalized, incarcerated, or experiencing a family emergency. The inability to secure medical records, medical appointments, or vocational assessment appointments does NOT meet the criteria of exceptional and unforeseen as these problems generally can be predicted and steps to ameliorate delays can be pursued.

An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate:

- Has completed and signed an agency application form or has otherwise requested services (e.g.in-person, by phone, submitted through email, dropped application off at a local DCF office or mailed an application to local DCF office); and
- Has provided information necessary to initiate an assessment to determine eligibility and priority for services; and
- Is available to complete the assessment process.

RS shall ensure that its application forms are widely available throughout the State.

Reference: [361.41](#)

RS Policy Regarding Referrals

RS will assure the prompt and equitable handling of referrals for individuals for VR services. RS will respond to third party referrals as soon as possible, but no later than 30 days maximum after the referral is made.

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Referral sources can help make appropriate referrals to VR by considering the following information:

- VR is an employment program, and individuals who participate are expected to become employed as a result of services received through an Individualized Plan for Employment (IPE). Individuals must be available to pursue employment.
- Individuals who have disabilities or health conditions that hinder their employment should be referred for application and assessment to determine eligibility. Such individuals may be unemployed, underemployed or in need of services to maintain employment.
- **Eligibility requirements -**
 - **Basic requirements.** The designated State unit's determination of an applicant's eligibility for vocational rehabilitation services must be based only on the following requirements:
 - A determination by qualified personnel that the applicant has a physical or mental impairment;
 - A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and
 - A determination by a qualified vocational rehabilitation counselor employed by the designated State unit that the applicant requires vocational 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, interest, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this part, an individual is presumed to have a goal of an employment outcome.
 - **Presumption of benefit.** The designated State unit must presume that an applicant who meets the eligibility requirements in [paragraphs \(a\)\(1\)\(i\)](#) and [\(ii\)](#) of this section can benefit in terms of an employment outcome.

Reference: [361.42\(a\)\(1\)\(2\)](#)

- VR counselors analyze a variety of information to determine eligibility. Such information may include existing medical and school records; work history; determinations made by other organizations that provide services for people with disabilities; Social Security records; information provided by the individual and family; and counselor observations. Counselors may also authorize additional diagnostics or assessment if needed to help determine eligibility. Counselors should determine eligibility as soon as possible, but no later than 60 days from the time of application. Referral sources can assist the eligibility process by assisting applicants in providing records, such as those listed above, if that is the applicant's informed choice.
- The VR program serves individuals with all different types of disabling conditions. The primary disabilities of individuals served include, but are not restricted to the following:
 - Mental Illness
 - Orthopedic
 - Intellectual and Developmental Disabilities

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- Learning Disabilities
 - Blindness or Visual Impairment
 - Deaf or Hard of Hearing
 - Traumatic Brain Injury
 - Cancer/Blood/Allergy Conditions
 - Alcohol/Drug Abuse
 - Amputation
 - Epilepsy
 - Deaf-blindness
- Individuals who have temporary health conditions, such as broken limbs or pregnancy, are not eligible for VR services on the basis of those conditions alone.
 - Referrals should be made for individuals rather than entire families. However, it is possible for the VR program to provide individualized services for more than one individual in a family. In addition, RS staff will collaborate with other programs of Kansas Department for Children and Families (DCF) to assure coordinated, integrated services for families.
 - If the VR program does not have sufficient resources to serve all eligible individuals who apply, an Order of Selection procedure and access list will be implemented which gives priority to serving individuals with the most significant disabilities. In the event of such a situation, counselors analyze the individuals' functional limitations, number of services needed, and length of services needed to assign them to the appropriate priority category level.
 - VR is not a source for emergency medical or medical insurance coverage.

Referral sources are encouraged to contact the VR staff in their local communities directly to discuss specific referrals. Three quick questions to consider when discussing referrals are:

- Is the disability impacting the person's ability to get or keep a job?
- Is the individual interested in pursuing employment?
- Are the functional limitations an individual experience related to the disability?

RS Policy Regarding Applications

Any individual who wants to apply for VR services must be allowed to do so. VR staff may not deny an application to an individual for any reason. If the application is incomplete, or if the individual has difficulty completing the application, VR staff may assist the individual in completing the RS application form. At the time of application, VR staff should inform individuals, through the application process for vocational rehabilitation services, that individuals who receive VR services must intend to achieve an employment outcome. The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome.

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An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate:

- Has requested services and provided the following: name, Social Security number (if available), date of birth, contact information (address, phone number, email address), and disability. The date on which the RS staff receives the required information is considered the application date. The information that is missing on the RS application will be completed with the RS staff during initial interview to be sure all federally required information is collected.

This information may be provided through a variety of methods, including by phone or mail or in person. Requested services means that the basic information required by the federal Rehabilitation Services Administration for data reporting has been obtained. One of the easiest ways to assure that all federally required information elements are collected is for the individual to complete the [RS application form](#) at the local DCF office ([Vocational Rehabilitation Contact Persons - Services \(ks.gov\)](#)); **or**

- Has completed and signed an agency application form or has otherwise requested services from VR (e.g.in-person, by phone, submitted through email, dropped application off at a local DCF office or mailed an application to local DCF office); **and**
- Has provided information necessary to initiate an assessment to determine eligibility and priority for services; **and**
- Is available to complete the assessment process.

What information is needed to initiate an assessment? At the time of application and/or during the initial interview VR staff can request medical records or documentation pertinent to the disability or request the individual or their guardian sign a release of information to obtain disability documentation; work history; educational background; and the applicant's description of the impediment to employment.

How is "available to complete an assessment" defined? This simply means that the individual can attend planned or scheduled activities in-person or virtually required to determine eligibility, and is not on an extended vacation, incarcerated, or otherwise indisposed.

Once an individual has submitted an application for VR services an eligibility determination must be made as soon as possible but no more than 60 days, unless—

- Exceptional and unforeseen circumstances beyond the control of VR preclude making an eligibility determination within 60 days and both VR and the individual agree to a specific extension of time; or
- An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with § 361.42(e).

To assure that the standard releases on the application form are in effect, a signed application should be included in the service record at the earliest opportunity. However, determination of eligibility may not be delayed pending receipt of a signed application form, as long as the individual has requested

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VR services, provided information necessary to initiate an assessment to determine eligibility and effectively capture all of the federally required elements, and is available to participate in the assessment/eligibility process.

Each local office is responsible for developing outreach plans to referral sources, minorities and members of unserved or underserved disability groups in their communities.

Documentation (record of service) Requirements for the Application Process

In addition to the Rehabilitation Services application form, the following information, to the extent it will impact the VR process or employment, must be collected as part of the application process and recorded in the record of services.

- Applicant's description of the disability and how it impacts the ability to work and to complete daily activities.
- Employment history, such as work performed at home, and paid work (employers, dates, wages, duties, job title, reason no longer working there). Job duties the applicant can no longer perform. Type of work the applicant wants to do. Accommodations that may be required.
- Residential, domestic, and family information (such as number in family, dependents, typical routines, support available through family, friends and social groups).
- Medical history, such as names of hospitals, doctors, psychologists, social workers.
- Current medications.
- Transportation available? Driver's license? Ability to use public transportation, if available.
- Corrections history, including names of probation or parole officers.
- Does the client have a Ticket-to-Work? Is it available for assignment? Or, if the client has assigned it to another Employment Network (EN), identify the EN.
- Media of choice.
- How can VR help? What is the applicant's reason for applying?

RS Staff Procedure

When RS receives a referral, phone call requesting services, or application by email or mail the following is expected:

- The RS staff will schedule an appointment with the individual as soon as possible but no more than 2 weeks from the received date of the referral, phone call received and/or application received. If the individual is not available within 2 weeks the RS staff must document in the narrative the reason and schedule the appointment as soon as possible.
- The RS staff will send out a pack of information through the individual's preferred method of communication with their appointment letter:

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- Referral/Appointment Letter
- Flyer
- Application (unless already received)
- Health Questionnaire Form
- Prior to the appointment date the RS staff will review if the individual has any previous cases with RS. If there is a closed file, the RS staff will review and determine if any records might be helpful for the initial appointment, eligibility, and Individualized Plan for Employment (IPE).
- During the initial appointment the following should be reviewed, handed to client, and documented in the narrative that you discussed it with the individual:
 - Handbook of services
 - Appeal rights
- During the initial appointment the RS staff will complete RS application, the intake interview, W9 (if applicable), and ROI's (if applicable).
 - Discuss next steps of the process to complete eligibility which may include additional assessments
- The VR counselor will complete eligibility as soon as possible and schedule an appointment to work on IPE development within 2 weeks of completing the eligibility. If the individual is not available within 2 weeks, the RS staff must document in the narrative the reason and schedule the appointment as soon as possible.
 - The RS Staff can send out in their preferred method of contact of communication the consumer/client guide to developing the IPE if it would be appropriate for the client to begin developing the IPE.

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SECTION Applications and Eligibility
PART Eligibility

SECTION NO. 2-2
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2-2 Eligibility

Synopsis of Federal Regulations

To determine whether an individual is eligible for vocational rehabilitation (VR) services and the individual's priority under an Order of Selection for services (if the State is operating under an Order of Selection), Rehabilitation Services (RS) will conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions:

Eligibility requirements

Determination of eligibility may be based only on the following requirements:

1. A determination by qualified personnel that the applicant has a physical or mental impairment.
2. A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.
3. A determination by a qualified VR counselor employed by RS that the applicant requires VR services to prepare for, secure, retain or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Presumption of benefit

RS must presume that an applicant who meets the eligibility requirements in Numbers 1 and 2 above can benefit in terms of an employment outcome unless it demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from VR services due to the severity of the applicant's disability.

Presumption of eligibility for Social Security recipients and beneficiaries

Any applicant for VR services who has been determined eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) is presumed eligible for VR services. Such an applicant is also considered to be an individual with a significant disability. If an applicant for VR services asserts that he or she is eligible for SSI or SSDI but is unable to provide appropriate evidence, such as an award letter, RS must verify SSI or SSDI eligibility by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables RS to determine the applicant's eligibility for VR within 60 days of application.

Prohibited factors

- No duration of residence requirements as part of determining eligibility for VR services or that exclude from services any individual who is present in the state.

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- No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability.
- The eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant.
- The eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

Review and assessment of data for eligibility determination

RS shall base its determination of each of the basic eligibility requirements on:

- A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, information used by the Social Security Administration, and determinations made by officials of other agencies; and
- To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of VR services, including assistive technology devices and services and worksite assessments, that are necessary to determine whether an individual is eligible.

Extended evaluation for individuals with severe disabilities

Prior to any determination that an individual with a severe disability is incapable of benefiting from VR services in terms of an employment outcome because of the severity of that individual's disability, RS shall conduct an extended evaluation to determine whether or not there is clear and convincing evidence to support such a determination.

During the extended evaluation period, which may not exceed 18 months, VR services must be provided in the most integrated setting possible, consistent with the informed choice of the individual.

During the extended evaluation period, RS shall develop a written plan for determining eligibility and for determining the nature and scope of services required to achieve an employment outcome. RS may provide during this period only those services that are necessary to make these two determinations.

RS shall assess the individual's progress as frequently as necessary, but at least once every 90 days, during the extended evaluation period.

RS shall terminate extended evaluation services at any point during the 18-month extended evaluation period if it is determined that:

- There is sufficient evidence to conclude that the individual can benefit from the provision of VR services in terms of an employment outcome; or

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- There is clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of an employment outcome.

Reference: §361.42

Regulatory Guidance

"Clear and convincing evidence" means that RS must have a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The "clear and convincing" standard constitutes the highest standard used in the civil system of law and is to be individually applied on a case-by-case basis. The term "clear" means unequivocal. Given these requirements, a review of existing information generally would not provide clear and convincing evidence. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of "clear and convincing evidence" must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

Reference: Note following §361.42

RS Policy

Existing records

Because of the time limitation for eligibility determination, the initial contacts with the applicant, significant others and/or referral source are especially important to determine what usable information is readily available and what other diagnostic procedures will need to be started immediately. If appropriate and possible, the applicant should assist in the information gathering process.

Eligibility certificate

The counselor must complete, sign and date a Certificate of Eligibility which documents that the applicant meets the eligibility criteria. In addition, the KMIS Certificate should be printed and filed in the record of services. The record of service must include information that supports the eligibility decision.

[\(See Section 1 / Part 11, Record of Services.\)](#)

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SECTION Applications and Eligibility
PART Procedures for Ineligibility Determination

SECTION NO. 2-3
PUBLISHED 03/21

2-3 Procedures for Ineligibility Determination

Synopsis of Federal Regulation

If Rehabilitation Services (RS) determines that an applicant is ineligible for vocational rehabilitation (VR) services or determines that an individual receiving services under an Individualized Plan for Employment (IPE) is no longer eligible for services, RS shall:

- Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;
- Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, and the means by which the individual may express and seek remedy for any dissatisfaction, including the standard appeal procedures;
- Provide the individual with a description of services available from the Client Assistance Program (CAP) and information on how to contact the program; and
- Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

Reference: §361.43

Effective Date: May 1, 1998

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SECTION Applications and Eligibility
PART Order of Selection

SECTION NO. 2-4
PUBLISHED 03/24

2-4 Order of Selection

Synopsis of Federal Regulation

An Order of Selection must be based on a refinement of the three criteria in the definition of individual with a significant disability.

Individual with a significant disability means an individual with a disability:

- Who has a significant 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 (VR) can be expected to require multiple VR services over an extended period of time; and
- 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, intellectual developmental disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, 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 VR needs to cause comparable substantial functional limitation.

An Order of Selection may not be based on any other factors, including:

- Any duration of residency requirement, provided the individual is present in the State;
- Type of disability;
- Age, gender, race, color, creed, or national origin;
- Source of referral;
- Type of expected employment outcome;
- The need for specific services or anticipated cost of services required by an individual; or
- The income level of an individual or an individual's family.

Reference: [§ 361.36](#)

Rehabilitation Services (RS) Policy

If there are insufficient resources to provide VR services to all eligible individuals who apply, RS will assure that those individuals with the most significant disabilities are selected for service before other individuals with disabilities. RS will ensure that its funding arrangements, including grants, contracts, or cooperative agreements, are implemented consistent with the Order of Selection.

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PART Order of Selection

SECTION NO. 2-4
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RS will periodically determine whether there are sufficient funds to serve all eligible persons who apply. Factors to consider in this determination include:

- Availability of state general funds to match available federal VR funds.
- Application, referral and caseload trends.
- Adequacy of staff coverage.
- Costs of purchased services, such as diagnostics, medical, restoration and training.
- Estimated costs of continuing services under existing Individualized Plans of Employment (IPEs).
- Emphasis on serving persons with significant disabilities.
- Timeliness of determination of eligibility and provision of services.
- Outreach efforts.
- Unserved or underserved groups.

RS will not delay, through waiting lists or other means, determinations of eligibility, the development of IPEs for individuals determined eligible, or the provision of services for eligible individuals for whom IPEs have been developed in order to avoid closing categories of services in Order of Selection.

After eligibility has been determined and before the IPE is written, each client is assigned to a category group. The client will be assigned to the highest priority category for which he or she is qualified and a rationale will be documented in the case file. If the client's circumstances change or new information is acquired, the category designation can be changed to a higher priority category. Category designation changes will not be made if the change would place the individual in a lower priority category. Clients will be notified of the right to appeal their category assignment.

Eligible individuals who cannot be served under the Order of Selection will be advised that their record will be placed on a waiting list. They will be notified should funding become available to provide the services.

If there is a need to close one or more categories for services:

- RS will set aside sufficient funds to purchase services necessary to determine eligibility. Applications for services will be accepted without restriction.
- The closure of one or more categories will not affect individuals who already have signed IPEs. IPE services will continue.
- Eligible individuals, regardless of their Order of Selection category designation, who only require specific services or equipment to maintain employment will not be affected. [34 CFR 361.36](#).
- Implementation of the closure will be made statewide.

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- Except for additional assessment or diagnostic services needed to analyze whether an individual can be moved to a higher category, VR services (purchased or provided by Staff) may not be provided for individuals on the waiting list. Exceptions to this provision are not allowed.

Category 1: Eligible individuals with a most significant physical or mental impairment that seriously limits two 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 VR case can be expected to require multiple VR services over an extended period of time. In the event that VR services cannot be provided to all eligible individuals in Category 1, a waiting list based upon the date of application will be activated.

Category 2: Eligible individuals with a significant 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 VR case can be expected to require multiple VR services over an extended period of time; and 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, intellectual developmental disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, 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 VR needs, to cause comparable substantial functional limitation. In the event that VR services cannot be provided to all eligible individuals in Category 2, a waiting list based upon the date of application will be activated.

Category 3: Eligible individuals with non-significant disabilities. In the event that VR services cannot be provided to all eligible individuals in Category 3, a waiting list based upon the date of application will be activated.

Multiple services means more than one service listed on the IPE. Support services (maintenance, transportation, and services to family members) may not be counted toward multiple services. Significant services which are not provided by RS but which are related to the disability and employment outcome, and which are essential to the accomplishment of the IPE may be counted toward multiple services.

Extended period of time means at least four months of services between Status 12 and closure.

Information and Referral

In the event that one or more categories of services are closed through Order of Selection and a waiting list for services is established, RS shall provide information and referral services for those eligible individuals who cannot be served. The information and referral service provided should be adequate to ensure that the individual with a disability is provided accurate VR information and guidance, using appropriate modes of communication, to assist them in preparing for, securing, retaining or regaining employment.

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An appropriate referral shall be to federal, state or other programs, including programs carried out by other components of the statewide workforce investment system, best suited to address the specific employment needs of the individual with a disability. For each referral, the individual shall be given:

- A copy of the notice of referral that RS will send to the other program, including a specific point of contact within the other program.
- Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain or regain employment.

Referrals should be documented in the record of services.