

Nebraska VR Order of Selection (OOS) Questions & Answers

1. What is an order of selection?

Order of selection is a process for prioritizing eligible individuals that a VR agency intends to serve based on available funds. A VR agency can seek approval from the Rehabilitation Services Administration (RSA) to implement an order of selection when it does not have enough money or staff to serve everyone who is eligible. The Workforce Innovation and Opportunity Act (WIOA), requires individuals with the most significant disabilities be served first.

2. What date will Nebraska’s order of selection go into effect?

Nebraska VR received approval from RSA and implemented Order of Selection on December 13, 2017 (Priority Groups 2 & 3). Nebraska VR closed Priority Group 1 effective April 23, 2018.

The state is seeking approval from RSA to enter into an order of selection. This process includes holding a public meeting to amend the state plan. The public meeting was held on November 3 @ 10 am. All staff will be notified when Nebraska VR has received approval from RSA to enter into an order of selection.

3. Will Nebraska VR be able to continue to serve clients in any Priority Group if there is already a plan in place?

Yes, if there is a signed and approved IPE in place, VR must continue to provide to an eligible individual all needed services listed on the IPE if the individual has begun receiving such services prior to the effective date of the state’s order of selection. There will be no disruption in services for individuals who had an IPE in place when the order of selection takes effect.

4. For new VR applicants, or those eligible individuals who do not yet have an IPE at the time the order of selection is implemented, how does VR prioritize individuals with the most significant disabilities be served first?

Once an individual is determined eligible for VR services, the individual’s severity level will be determined using the current process (Priority Groups 1-3). Each applicant is assigned to a priority group, based on his/her level as outlined below:

Levels of Severity	Order of Selection Priority Groups
Individuals with most significant disabilities	Priority Group 1
Individuals with significant disabilities	Priority Group 2
All other eligible individuals (nonsignificant disabilities)	Priority Group 3

Because all Priority Groups are now closed, individuals eligible for VR but not yet with a plan will be placed on the wait list.

5. What can individuals expect who do not meet criteria for Priority Group 1, once the order of selection is implemented?

Eligible individuals, who are determined not to meet the criteria as an individual with a most significant disability, will be placed in Priority Groups 2 or 3. Unless these individuals already have an IPE in place with VR prior to implementation of the order of selection, these individuals will not be able to receive VR services right away because Priority Groups 2 and 3 will be closed. Individuals in Priority Groups 2 and 3 without an IPE will be placed on the wait list according to the individual's application date and time if necessary. If and when sufficient funds become available for VR to serve additional eligible individuals, Priority Group 2 will be open and the earliest application date will be served next. Nebraska VR has established a team at the state office which will engage in monthly conversations to determine when sufficient resources are available to provide VR services to eligible individuals in Priority Groups 2 and 3.

6. How does the OOS impact students?

Students who are considered "potentially eligible" for VR services will receive pre-employment transition services (pre-ets) regardless of the order of selection. The students are served when a signed Pre-employment Transition Consent and Release is in place. These students do not yet have a plan.

Students with disabilities who apply for VR services and who began receiving pre-employment transition services prior to applying for and being determined eligible, will continue to have access to pre-employment transition services even if their priority group is closed. **Reminder:** Under OOS, students cannot receive any individualized VR services until their priority group is being served and they come off the wait list.

Any student with a disability that has applied for VR services who is not yet participating in pre-employment transition services when the eligibility determination is made, and who is placed in a closed priority group, will be served when funding is sufficient, by the date the application is signed by the client/guardian.

Please Note:

It is required that all cases that are pre-employment transition services eligible have at least one pre-ets service added in the case record under the assessment tab (task note is not sufficient). Don't forget, this includes those who have a pre-ets consent and release or a VR application and are pre-ets eligible.

Additionally, for cases that have an application and have services added in assessment, VR staff must make sure these are pre-ets services rather than "adult" services (e.g. job exploration counseling vs career planning). These services need to be documented prior to Nebraska VR entering OOS (December 2017).

7. How might individuals obtain assistance in achieving their vocational goals if they are currently on the VR wait list?

Nebraska VR will provide information and referral to programs carried out by other entities in the statewide workforce (e.g., American Job Center). Referrals may also be made to Independent Living Centers, a mental health counseling facility if someone calls saying they are in need of counseling, Employment Networks (EN), college and university career centers, and services for students with disabilities offices. The program the individual is being referred to should be notified the referral is being made. The individual should be provided a specific contact point within the agency to which they are being referred and information and guidance regarding the most suitable services to assist the individual to reach employment.

8. Because Nebraska VR will be referring individuals to other agencies and resources, what steps are being taken to assist these other entities to prepare to serve an increased number of individuals with disabilities?

A training website is now available for VR staff to use when delivering information about the Order of Selection. In January, 2018 all VR offices were asked to identify staff who would be sharing OOS training information with other agencies. The training materials were then reviewed with this group to help ensure a consistent message. The OOS training materials can be found here: http://www.vr.nebraska.gov/partner_training/index.html. All training participants are asked to complete the feedback form provided on the site to help track which partners have participated in the training. The feedback form also prompts the participants to identify future training needs

9. What happens if an individual does not agree with a Specialist's eligibility determination?

An individual will receive a letter with information about their eligibility and priority group, along with information about appeal rights. These rights may include mediation or an impartial due process hearing. The letter will also include information about the Client Assistance Program (CAP).

10. Can Nebraska VR offer retention services for individuals in Priority Groups 1, 2, and 3?

Yes, if the individual is currently working but would almost certainly lose his or her current job if not provided specific services or equipment in the very near future that would enable him or her to retain that employment. The following conditions also apply:

- An IPE can be developed and the services required can be provided immediately.
- VR services can only be provided to maintain the current employment.
- The client is not eligible for post-employment services.
- The case record must document communication from the employer stating the employee is at immediate risk of losing their job.
- The client is not required to disclose the disability to the employer.

- The client requires only: Guidance and counseling and follow along; or in addition to guidance and counseling and follow along, only specific services and equipment that will keep the client in his/her current job.

This exception does not apply to those losing a job because the employer is going out of business, eliminating the job, or for other business-related decisions. This exception does not apply to clients who are underemployed or seeking to maximize their employment. This exception does not apply to those who are seeking to change employers.

11. If an eligible individual in a closed priority group and not receiving services under an IPE, secures a job from a referral made by a Nebraska VR Specialist and after starting the job they are in danger of losing their job because they need job retention services, can Nebraska VR provide job retention services?

If this is an immediate need, meaning that eligible individual would almost certainly lose his or her current job if not provided specific services or equipment in the very near future, that would enable him or her to retain that employment, the Nebraska VR can provide services and equipment to an individual at immediate risk of losing employment outside the established order of selection. Therefore, the individual must have a job, must be at immediate risk of losing that job, and requires specific services to maintain that job.

12. Should individuals on the wait list be reminded to contact Nebraska VR if he/she moves and changes addresses?

Yes, the eligibility letter indicates that the individual should contact Nebraska VR if there is an address change.

13. What if the individual decides not to be on Nebraska VR's OOS wait list?

The eligibility letter directs the individual to notify VR within 30 calendar days from the date of the letter if he/she is interested in being placed on the wait list. If the individual does not contact VR within this time period, the case will be closed.

14. Will the Specialist be notified when OOS letters are sent to individuals he/she has worked with?

Yes, the assigned Specialist will be copied on all OOS letters. Per the OOS Chapter, a copy of the letter(s) should be maintained in the case file.

15. Will the Order of Selection affect the CPAP grant?

CPAP is a separate funding source so RSA approved clients from all priority groups can be served by CPAP as long as the individuals were closed successfully or are working in one of the

five designated career pathways and want to advance. The five designated career pathways are: Information Technology, Healthcare, Manufacturing, Architecture/Construction and Transportation, Distribution and Logistics (TDL).

RSA also approved CPAP can be a resource for the VR Certificate programs that fall within the CPAP designated career pathways. Clients in all priority groups who plan to train through a VR Certificate program should have his/her case transferred to CPAP staff after the eligibility and priority group are determined. VR services and training cost will be provided by CPAP staff

16. How should it be handled if a student (in a closed priority group but had an approved plan) is getting a bachelor's degree and now wants Nebraska VR to assist with pursuing a master's degree?

A Master's Degree can be supported under an amended plan, if it is determined necessary for the client's individual situation to find adequate employment.

If the area of study aligns, it may also be appropriate to serve the individual under the CPAP grant. Information about the CPAP grant can be found here:

<http://www.vr.nebraska.gov/pathways/>

17. If Nebraska VR can only serve current plans and retention under the OOS, what about self-employment AgrAbility? Isn't AgrAbility retention?

It should not be assumed that AgrAbility is a retention service. AgrAbility does a lot with planning for farmers and ranchers to even determine if it's feasible to remain in their occupation. Equipment/technology may be one part of the solution but often is not the only one. Guidance so far would indicate that most cases are more involved than what is intended under retention services.

18. Can Nebraska VR make an eligibility decision based on the individual already having a job when he/she comes to VR?

No. Eligibility requirements are applied without regard to the applicant's employment history or current employment status

19. Who is creating OOS materials that can be disseminated to community organizations?

A training website is now available for VR staff to use when delivering information about the Order of Selection. In January 2018, all VR offices were asked to identify staff who would be sharing OOS training information with other agencies. The training materials were then reviewed with this group to help ensure a consistent message. The OOS training materials can be found here: http://www.vr.nebraska.gov/partner_training/index.html. All training participants are asked to complete the feedback form provided on the site to help track which

partners have participated in the training. The feedback form also prompts the participants to identify future training needs

20. How involved can Nebraska VR staff be once an individual has been referred to another agency?

Nebraska VR will provide information and referral to individuals assigned to assigned to a closed category(see Response #8). It would be considered a best practice for VR staff to follow up with the referral contact and/or to accompany the individual to a meeting with the referral agency.

21. What impact does OOS have on rapid engagement?

The Rapid Engagement Chapter has been updated. Please see the VRIS Updated Dated March 23, 2018 titled Chapters Impacted by CWA- Career Planning, OJE, Rapid Engagement, Vocational Evaluation.

22. Could an individual receiving social security be assigned a priority higher than group 2?

Nebraska VR should consider all documentation available to determine eligibility. Therefore, it may be an individual receiving social security has enough supporting information to justify an assignment to priority group 1.

23. A client receives retention services from Nebraska VR and subsequently loses that job. How is the case handled when the individual returns to Nebraska VR for services?

This would be handled as a new case. As a result, the individual could be placed on the wait list.

24. How should Nebraska VR collaborate with NCBVI to serve “potentially eligible” students?

Students who are considered “potentially eligible” for VR services will receive pre-employment transition services regardless of the OOS (see Response #7). If appropriate, Nebraska VR should coordinate services with NCBVI. As stated in the agreement with NCBVI, both agencies may include students with a disability typically served by the other agency when providing group pre-employment transition services.

25. If a Student with a disability has already applied for VR services and is subject to the OOS, but has not yet begun to receive pre-ets services, could that student decide to close their VR case then come back to VR as a potentially eligible student with a disability to receive only those pre-ets activities?

Yes.

Questions 26 through 45 have been added in response to the April OOS video conferences.

26. Can OJE dollars be funded to help determine priority?

No. If there is a need for a work site assessment, it is required to be a non-paid Community Work Assessment. The need to use a work site assessment to determine eligibility and priority group assignment is rare. The needed information can usually be gathered through an in-depth Employment Discussion that includes exploration of the work history to address what difficulties the individual has encountered in preparing for, obtaining and maintaining employment. Information can also be obtained from existing sources (school worksite reports, grade transcripts other agencies reports).

Please see VRIS Update (February 15, 2018) for further guidance about using a Community Work Assessment for determining eligibility and priority group assignment.

27. How do we handle current Benefit Services authorizations that are outlying on Priority 1 cases without a plan?

Any benefit services authorized for someone in Assessment (pre-plan) may not be provided after 4/20/18. Providers were notified of this and will bill only for services provided through 4/20/18.

28. Can we discuss Benefits Orientation with the applicant?

Benefits Orientation cannot be provided to those in a closed priority category, so no Benefits Orientation will be provided. The chapters that reflect any variance from this are being changed to provide accurate guidance. In determining eligibility, verification of diagnosis can be requested from SSA. Information and referral will be provided to individuals, and those individuals with SSI/SSDI need to be provided information on the Employment Networks and Social Security Information (<https://www.ssa.gov/redbook/>) and why it is important to seek out this assistance

29. Can we do no-cost services, such as benefits orientation. Eg: for an applicant who has a job but wants to know how it will affect benefits.

No, we cannot provide Benefits Orientation to anyone applying for services or assigned to a closed priority group. Now that all three priority groups are closed we are not able to provide VR Assessment Services to clients unless they are services needed to determine Eligibility and Priority. Once eligibility determinations have been made no further services can be provided as they are now on the Wait List.

This does not include clients who are eligible for pre-employment transition services. As long as they are in an educational setting, and eligible for pre-employment transition services, the pre-employment transition services can be provided.

30. Can we do Benefits Assessment authorizations for pre-employment transition services?

The closing of Priority Group 1 does not change what services are available for pre-employment transition services eligible clients. Benefits assessment is listed as an allowable support service in the Pre-Employment Services chapter. This can continue to be provided to those who are pre-employment transition services eligible.

31. How does closing all Priority Categories impact current Project SEARCH interns?

If an Individualized Plan for Employment is not in place as of 4/20/18, the intern may apply for services and eligibility/priority will be established (if this has not already happened) and the intern will be placed on the waiting list. Staff should meet with the intern/family to explain the situation and communicate with the service coordinator as appropriate.

32. How will high schools find this out since graduation is SOON?

School Districts and ESU Special Education Directors were notified April 27, 2018 via NDE. Please contact Brigid for a copy of that text.

33. Would stopping funding for Project Search be wise at a time like this? Wasn't this a huge part of our expenses?

The Workforce Innovation and Opportunity Act (WIOA) mandates that VR agencies set aside 15% of their budgets for Pre-Employment Transition Services. Project SEARCH sites (for students) are supported by this 15%. Therefore, Project SEARCH sites will continue even under the order of selection.

34. What about Career Counseling & Information and Referrals (CCIR)?

Federal responsibility remains in fulfilling this obligation. Referrals for CCIR shall continue and VR staff will continue to provide CCIR information. Each case shall be left in Information and Referral - Orientation Services unless the individual wishes to apply for VR services and go on the wait list. In either situation, CCIR intervals will continue at the specified timeframes.

35. Do any resources exist outside of Nebraska VR for individuals with acquired brain injury (ABI) who are seeking employment?

- Yes. Individuals with ABI who also meet eligibility criteria for Behavioral Health or Developmental Disability Waiver services may access employment services and supports from those agencies.
- Individuals aged 18 through 64 who receive Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) benefits due to disability are eligible to participate in the Ticket to Work program. Nebraska Employment Networks include: Community Options, EasterSeals and Goodwill Industries of Greater Nebraska

- Individuals with ABI and visual impairments may be eligible for employment services from the Nebraska Commission for the Blind and Visually Impaired (NCBVI). Call toll-free (877) 809-2419 or visit the NCBVI website www.ncbvi.nebraska.gov for more information.
- Referrals for other community-based programs and services may be available from the Brain Injury Alliance of Nebraska (BIA-NE). Call (844) 423-2463, email info@biane.org or visit the website at <http://biane.org>.

36. Do any resources exist outside of Nebraska VR for individuals with Autism who are seeking employment?

- Yes. Individuals with Autism who also meet eligibility criteria for Behavioral Health or Developmental Disability Waiver services may access employment services and supports from those agencies.
- Individuals aged 18 through 64 who receive Social Security Disability Insurance (SSDI) and/or Supplemental Security Income (SSI) benefits due to disability are eligible to participate in the Ticket to Work program. Nebraska Employment Networks include: Community Options, EasterSeals and Goodwill Industries of Greater Nebraska
- The Partnership for Autism Career Employment (PACE) is a program of the Autism Action Partnership in Omaha. It offers adult employment services for individuals with Autism. Contact Michaela Ahrens at (402) 763-8830 ext: 1005, or mahrens@autismaction.org for more information.
- Individuals with Autism and visual impairments may be eligible for employment services from the Nebraska Commission for the Blind and Visually Impaired (NCBVI). Call toll-free (877) 809-2419 or visit the NCBVI website www.ncbvi.nebraska.gov for more information.

37. If a client currently has a plan and NOW needs SE can we do this?

Yes, if an IPE was signed prior to 4/20/18, any service can be added to work towards a successful outcome.

38. Do we need to set up meetings at the local level with DD?

VR Program Team will continue to meet with DD Central Office staff. VR field office staff will continue communication with each client's Service Coordinator as you have been doing. Invite Service Coordinators to all planning meetings and attend any scheduled meeting on behalf of the individual when possible.

***Any notification on VR's funding capacity or change in Order of Selection status will come from the State Office only.**

39. We have had several Providers contact us about paying them for Discovery where the authorization is in progress. Should we advise them to discontinue this service and go

back to Pre-Vocational? Do you know if the Provider will receive any type of compensation?

Providers should always be compensated for completing the discovery process and submitting the VR Profile for Supported or Customized Employment document. The majority of the time this should be billed in the Pre-Vocational Waiver service. It is rare that VR authorizes for Discovery. Refer to the Discovery Phase description below which will be included in the Supported Employment chapter update in QE2 once completed.

If there are any outlying Discovery authorizations where the process has not been completed, notify the Provider that the authorization will be cancelled without payment. Suggest they explore Pre-Vocational services as outlined by the person's team.

If there is an outlying Discovery authorization where the process was completed prior to April 20, 2018 but not yet billed, that payment will be honored. The provider will need to submit an invoice along with the completed VR Profile immediately.

Discovery Phase

Discovery is a short term process that involves getting to know the person before planning is initiated. This is best accomplished by spending time with an individual, rather than testing or evaluating. Discovery itself is the foundation of all person-centered planning that seeks to customize outcomes for people and is compatible with self-determination and informed choice.

Review of existing records, interviews with client, family members, school staff, case manager or Service Coordinator or people who know the client well, observation in home and community activities, observation of participation in a familiar activity (does well, knows how), observations of participation in a new activity of choice may be encompassed in the Discovery process.

Candidates for Discovery may include: home-schooled students, non-Nebraska graduates, individuals who have been on waitlist for an extended time or had very little previous exposure to community opportunities, or when competitive, integrated employment is questioned at the present time. If an individual has participated in the Pre-Vocational DD Waiver Service, they are not eligible for Discovery.

It is not appropriate to bill VR for Discovery if the Service Provider intends to only summarize what has previously been determined by a school district, transition program, or other service provider.

Process:

1. Service Provider notifies VR staff if Discovery is a desired progression towards employment in order for authorization to be completed prior to the activity. This is an Assessment Support (\$500) and is authorized only if little or no previous Discovery

activities have been completed, Pre-Vocational has not been billed to DD, or if available information is dated.

**Discovery is meant to be a short-term, time limited process taking no longer than 7 weeks.*

2. Let DD Service Coordinator know if Service Provider has requested Discovery payment. Provider will not be allowed to bill DD for Pre-Vocational at this point.
3. Provider completes *VR Profile for Supported or Customized Employment*, from all previous and most recent discovery activities and submits final copy with invoice for Discovery.
**Other team members may contribute information to the VR Profile for Supported or Customized Employment, but responsibility with organizing and synthesizing data ultimately lies with the Service Provider. The client must give final approval of the VR Profile and is the owner of the document.*
4. VR staff shall provide DD Service Coordinator with a copy of the completed *VR Profile for Supported or Customized Employment*.
5. Schedule team meeting if possible to review completed *VR Profile for Supported or Customized Employment*. Use to strategically write a thorough IPE and together, determine services and supports necessary for client's employment success.

40. Given the facts that all but those who are job retention cases will be wait-listed and we are down a number of FTEs, should we slow down the rate at which we do VR Orientation for everyone else?

No. We should not slow down the rate we provide VR Orientation. It will be important to provide as much information as possible to potential applicants regarding our Order of Selection and to provide Information and Referral resources to them as soon as we can.

41. How many staff have left since the Order of Selection?

Nebraska VR went into the Order of Selection December 13, 2017 and 16 staff have left since that date.

42. We have to assume there are ongoing discussions occurring that we are not aware of. We are just interested in the long-term projections fiscally for the next few years. What are our priorities at this time..... is it to keep programs running? Which ones? Would we make changes to our program fundamentally or let staff go?

Our priority will be to continue providing services to those individuals who have plans, and monitoring expenditures accordingly. We have implemented several cost saving measures such as a hiring freeze, hold on discretionary travel/training, as well as a hold on any discretionary

spending to deal with the shortage in funds. We have a strategy in place to monitor these reductions and will use that information to make projections as time goes on. Part of those projections will depend on the amount of reallocation dollars we are awarded by RSA in September. At this time we do not anticipate any changes to the program or reduction in staff.

43. A brief explanation as to how the fiscal issues occurred would be helpful. I think most understand there were encumbrances from 2016 that were not paid and the 2017 budget is now being impacted.

1. Required 15% for Pre-Employment Transition Services - The Workforce Innovation and Opportunity Act (WIOA) of 2014 mandated State VR Agencies to set aside 15% of VR funds each year (approximately \$2.5 million) for Pre-Employment Transition Services. Previous to WIOA, Nebraska VR was spending approximately \$230,371 on pre-employment transition services (Pre-ETS). This new fiscal requirement placed an additional burden on expenditures in all other areas of operating the VR Program.
2. Reduction in Federal Funds - For FY17, RSA did not fund all states at their maintenance of effort (MOE) level. Nebraska VR was successful in obtaining an additional \$907,866 of federal funding through the reallocation process, but this was well short of what we were hoping for and significantly lower than the \$2 million of reallocation funds we have been receiving on an annual basis.
3. Increase in Personnel and Case Service Expenditures - Since federal fiscal year 2015, Nebraska VR has experienced an increase in expenditures, many as a result of the mandates in WIOA.
4. Reduction in Carryover Funds Available - In the past, Nebraska VR has been able to cover the increase in expenditures with its Federal and State appropriation and by utilizing carryover funds from the previous fiscal year. However, as expenditures increased, federal funds decreased, and funds were shifted to cover the required 15% of Pre-Employment Transition Services, the amount of carryover funds for planned services has been reduced.
5. Increase in Nebraska Department of Education Indirect Cost Rate - NDE received a new Indirect Cost Rate Agreement effective July 1, 2017 with the U.S. Department of Education. The indirect cost rate went from 9.6% to 13%, an approximate 50% increase, which equals an increase in the charge to VR by \$558,000 per year.

44. Was there a prior system of checks and balances in place? Is there currently anything in place that prevents the same fiscal management issues from happening in the future?

The Order of Selection Committee is meeting monthly to monitor expenditures, paying close attention to case service obligations and expenditures. It is vitally important teams make sure their FY18 encumbrance balance reports are kept up to date and as current as possible, as the

Order of Selection Committee is using this report to make projections about future expenditures. The request for additional reallocation dollars will be made in August. Any decisions related to removing clients from the waiting list will likely not occur until we have received confirmation from RSA of our reallocation dollar amount, which generally occurs in September. At that time the OOS Committee will be able to determine the impact on OOS.

45. Question: Is there an anticipated timeline for again opening Priority Group 1?

Although it's difficult to predict when and how long Priority Group 1 will be open, the following are benchmarks the OOS budget committee will use when determining the status of Order of Selection:

August 2018: Nebraska VR will request reallocation dollars from RSA.

September: RSA notifies states of reallocation amounts.

October 1: VR begins a new federal fiscal year.

VR will direct its budget (excluding 15% which must be set aside for pre-ETS) to serving individuals on the waitlist in Priority Group 1 with the possibility of opening this Priority Group should there be sufficient funds.