**EDUCATION AND LABOR CABINET**
**Department of Workforce Development**
**Office of Vocational Rehabilitation**
**(Amended at ARRS Committee)**

**781 KAR 1:030. Order of selection.**

RELATES TO: KRS 151B.190, 34 C.F.R. 361.36, 361.53, 361.54, 29 U.S.C. 721(a)(5), (15), (21)(A)

STATUTORY AUTHORITY: KRS 151B.185(2), (3), 151B.195(1), 29 U.S.C. 709(c), 34 C.F.R. 361.36, 361.54

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195(1) requires the Executive Director of the Office of Vocational Rehabilitation to promulgate administrative regulations governing the services, personnel, and administration of the State Vocational Rehabilitation Agency. 34 C.F.R. 361.36(c) requires the office to determine, prior to the beginning of each fiscal year, whether to establish and implement an order of selection for state vocational rehabilitation services. 34 C.F.R. 361.36(d) requires federal guidelines for the imposition of an order of selection. This administrative regulation establishes when an order of selection shall be applied to the provision of vocational rehabilitation services in order to distribute limited funds more equitably over the entire population of otherwise eligible individuals.

Section 1. Order of Selection.

(1) If the executive director determines that the office's projected fiscal or personnel resources are insufficient to provide the full range of services as required by the Rehabilitation Act of 1973, as amended, to all eligible individuals, the office shall inform the Statewide Council and implement the order of selection on a state-wide basis in compliance with 34 C.F.R. 361.36.

(2) An eligible individual previously declared eligible for and receiving vocational rehabilitation services under an individualized plan for employment shall not be affected if the office implements an order of selection..

(3) On implementation of the order of selection, the office shall continue to accept referrals of and applications from individuals with disabilities and continue determining eligibility for services.

(4) The order of selection shall not impact the provision of information, referral services, or authorization of assessment for determining eligibility.

(5) If the office is unable to provide services to all eligible individuals, the office shall first serve individuals with the most significant disability in the highest open priority category. Within each priority category, individuals shall be served in order of application date.

(6) The order of selection established in this section shall be followed with the categories to be served designated at the time of implementation.

(7) The executive director may serve individuals from the waitlist, open, or close one (1) or more priority categories as appropriate, to provide services to as many individuals as funds allow.

(781 KAR 001:030. 17 Ky.R. 787; Am. 1497; 1718; eff. 12-7-1990; 19 Ky.R. 517; 949; eff. 11-9-1992; 1432; eff. 2-4-1993; 2323; eff. 6-7-1993; 21 Ky.R. 556; 1151; eff. 11-3-1994; 23 Ky.R. 2283; 2737; eff. 1-9-1997; 3425; 3829; 4128; eff. 6-16-1997; 25 Ky.R. 131; 844; eff. 10-1-1998; 29 Ky.R. 1352; 1793; eff. 1-16-2003; 36 Ky.R. 2232; 37 Ky.R. 362; eff. 9-3-2010; 42 Ky.R. 1614; 2106; eff. 2-5-2016; 48 Ky.R. 1006; 49 Ky.R. 45; eff. 10-4-2022; 52 Ky.R. 1413, 1857, 2063; eff. 7-6-2026.)

FILED WITH LRC: May 12, 2026

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