

# Division of Rehabilitation Services Study Commission Meeting Session #1

## Division Of Rehabilitation Services Overview

MARYLAND STATE  
DEPARTMENT OF EDUCATION

| October 6, 2022

Presented By | Scott Dennis, Assistant State Superintendent





# PRESENTATION OUTLINE

1. Overview of Commission Responsibilities
2. DORS Overview
3. The Disability Determination Services
4. The Vocational Rehabilitation Program
5. Vocational Services
6. Pre-Employment Transitioning Services
7. Order of Selection
8. National Overview of Orders of Selection
9. Maryland's Order of Selection
10. Factors Influencing The Waitlist
11. Challenges and Solutions



# Overview of Commission Responsibilities

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3. The Disability Determination Services
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*As a member of the Commission, you will play an important role through sharing your thoughts and recommendations.*

# Legislative Context

The Maryland General Assembly passed HB 660 in spring 2022 and set the following expectations:

- HB 660 requires that a “Commission to Study the Division of Rehabilitation Services” be established.
- The new Commission is to meet at least five times and discuss a set of ten different topics.
- After the Commission evaluates and makes recommendations on each topic, the Commission is to submit a report to the General Assembly and Governor.
  - An interim report is due by December 15, 2022.
  - The final report is due by March 15, 2023.

# Required Topics for Discussion for the Commission

1. Methods for improving stakeholder input on the Division of Rehabilitation Services' programs and services.
2. Methods for improving the relationship and communication between transition professionals working at the Division of Rehabilitation Services and the Developmental Disabilities Administration.
3. Methods for improving the amount of time it takes to provide vocational rehabilitation and transitional services.
4. Methods for improving public-private partnerships to assist more Division of Rehabilitation Services' clients,
5. Methods for improving accountability and transparency of the Division of Rehabilitation Services' programs and services.
6. Whether the eligibility criteria for the Division of Rehabilitation Services' programs and services should be altered.
7. Whether the Division of Rehabilitation Services should continue to be a division of the State Department of Education or should be transferred to another State agency.
8. If the Commission determines that the Division of Rehabilitation Services should continue to be a division of the State Department of Education, whether the Division of Rehabilitation Services should have a governing board separate from the State Board of Education.
9. Whether there are specific budgetary requests that could support the job training programs provided by the Division of Rehabilitation Services.
10. Any other improvements to the Division of Rehabilitation Services' programs and services the Commission considers appropriate.

# Today's Focus Topics

1. Methods for improving stakeholder input on the Division of Rehabilitation Services' programs and services.
4. Methods for improving public-private partnerships to assist more Division of Rehabilitation Services' clients.
6. Whether the eligibility criteria for the Division of Rehabilitation Services' programs and services should be altered.
9. Whether there are specific budgetary requests that could support the job training programs provided by the Division of Rehabilitation Services.



# DORS Overview

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*The Division of Rehabilitation Services plays an important role in the lives of Marylanders with disabilities.*

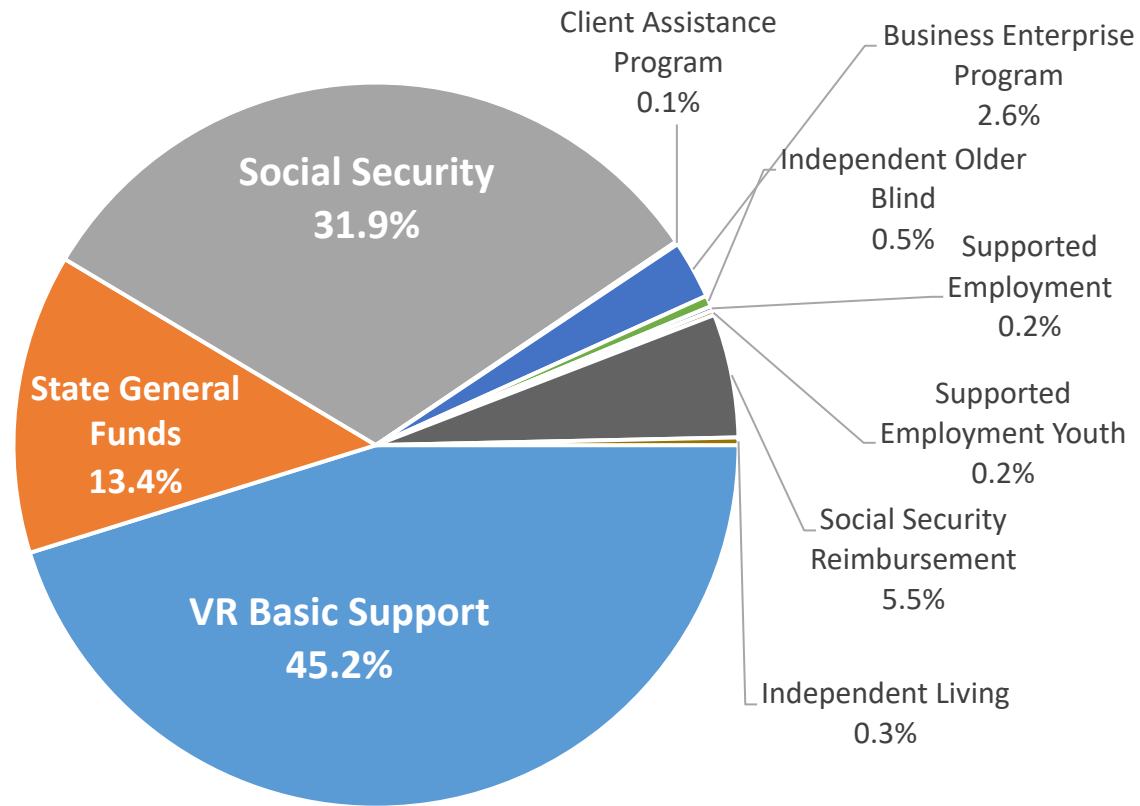
# Programs Operated by the Division of Rehabilitation Services

- Disability Determination Services
- Public Vocational Rehabilitation (VR) Program
  - Business Enterprise Program for the Blind
    - Provides business opportunities for individuals who are blind on federal and state property.
  - Independent Living Program
    - Provides funding to the seven Centers for Independent Living (IL) around the State.
  - Independent Living Older Blind Program
    - Provides independent living training for individuals who are 55 or older and legally blind to live independently in their homes.
  - Support Employment Program Adult and Youth
    - Two separate programs, the Adult programs are for individuals 25 and older, the Youth programs are for individuals 24 and younger. Both programs support individuals who are employed.
  - Client Assistance Program
    - Provides client advocacy for individuals who are receiving services through the VR or IL programs.



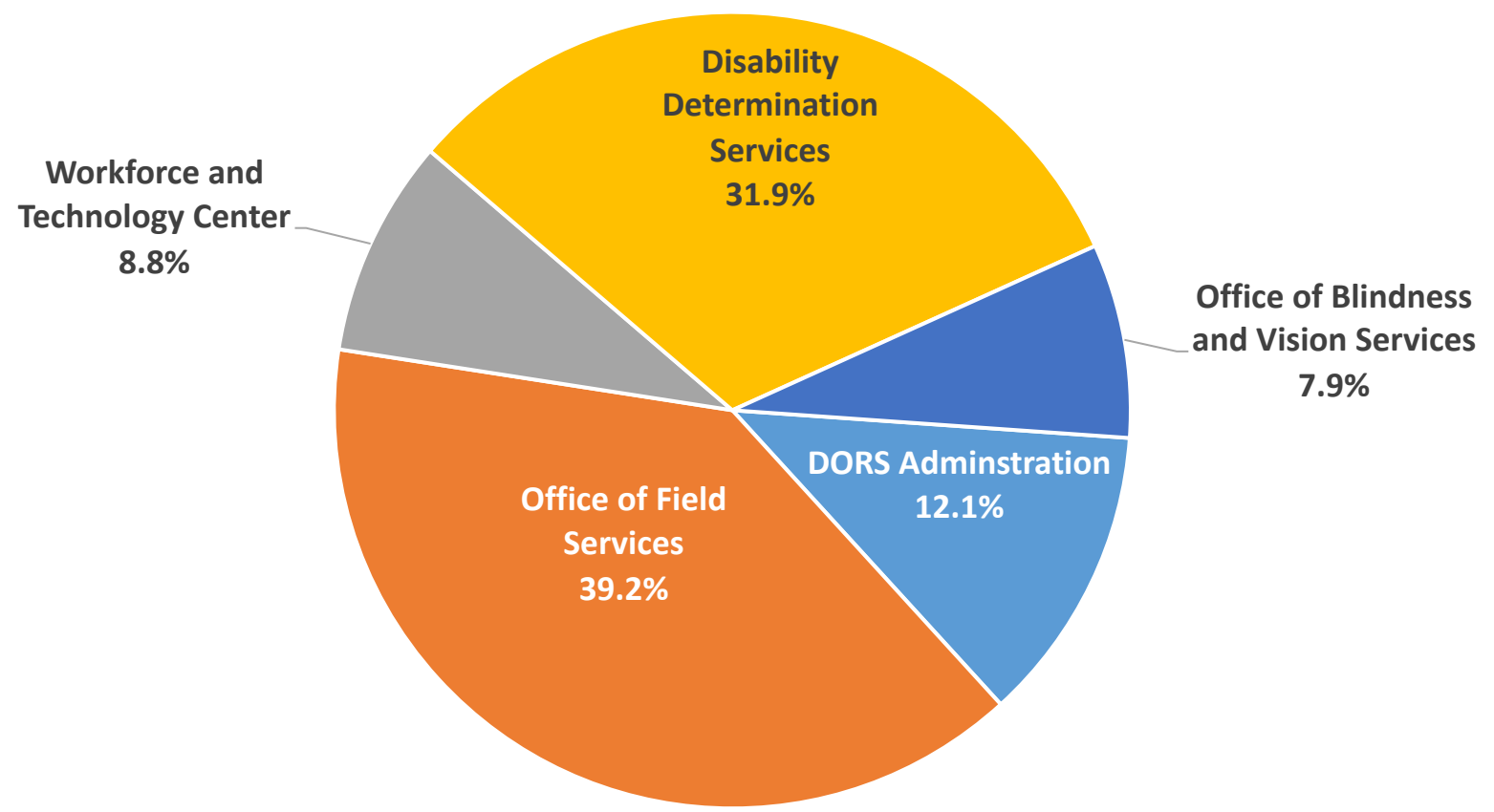
# DORS FY23 Budget: Sources of Funding

More than 85% of DORS is funded by Federal funding.



# DORS FY23 Budget: Funding Allocation by Program

More than 87% of funding goes to direct client services.





# The Disability Determination Services

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*The Disability Determination Services makes the eligibility decisions for Marylanders who apply for Social Security benefits.*

# Disability Determination Services

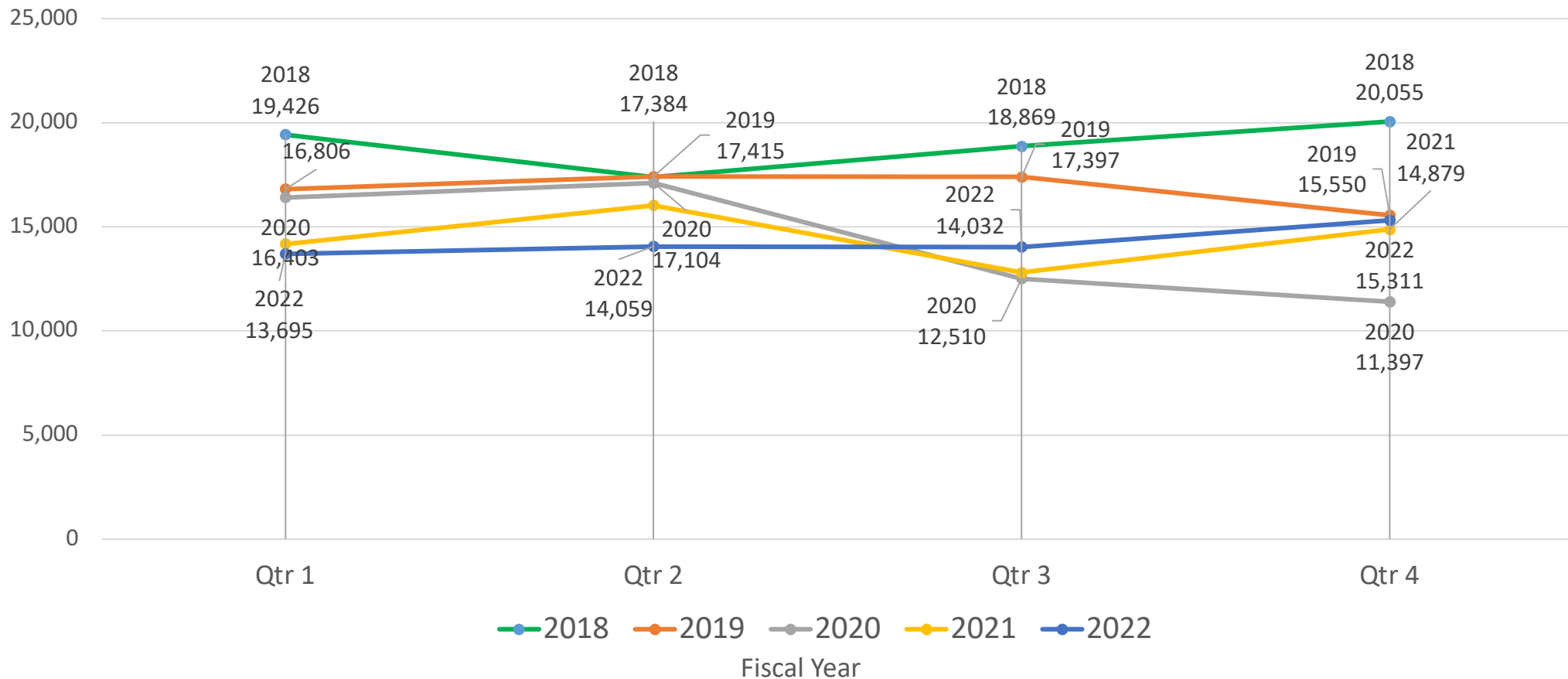
- Disability Determination Services (**DDS**) adjudicates Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) for the **Social Security Administration (SSA)**.
- The **adjudication of these disability claims is the primary responsibility of the DDS claims examiner**. The claims examiners are **responsible for collecting and reviewing a claimant's medical information** to accurately determine if the claimant's medical condition meets the Social Security eligibility requirements for either SSDI or SSI.
- DDS has **239 employees, located in Hunt Valley**.
  - DDS has 123 examiners, 14 Section Supervisors, and 14 Quality Assurance Specialists.
  - Remaining employees are medical professionals, physicians, and other support staff.
- **DDS examiners must complete a 13-week intensive training program**, which includes all of the bodily systems and the diseases that affect them, the various types of psychological and social illnesses, impact of medical treatment, **and how all of this impacts an individual's ability to work**.
- Depending on the individual's situation they **may file in one of three different ways**. Each claim type has its **own set of requirements** that must be met in order to be **approved for benefits**.
  - Social Security Disability Insurance (SSDI) only
  - Supplemental Security Income (SSI) only
  - Concurrent claim both SSDI and SSI at the same time

# Connections of DDS and Social Security Act

- **What is SSDI (Title II) of the Social Security Act?**
  - **Title II** provides for **payment of disability benefits to disabled individuals** who are under the age 65 and have earned sufficient “work credit” under the Act by virtue of their contributions to the Social Security trust fund through the Social Security Federal Insurance Contribution Act (FICA) on their earnings, as well as to certain disabled dependents of insured individuals.
- **What is SSI (Title XVI) of the Social Security Act?**
  - **Title XVI** provides **cash payments to individuals who are elderly, blind, or disabled and have low incomes**. In addition to the federal payment, some states add a small supplement to the monthly benefit. The amount varies by state, marital status, and living arrangements but usually ranges from \$10 to \$400 per month. **Most people who qualify for SSI also qualify for their state’s Medicaid program** and may be eligible for other programs. SSI payments are funded by general revenue (not the Social Security trust fund).
- **What is the definition for being disabled under Social Security?**
  - For all individuals applying for disability benefits under Title II, and for adults applying under Title XVI, the definition of disability is the same. **The law defines disability as the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s)** which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months.
- **What is SGA?**
  - **Substantial gainful activity (SGA) is the level of work that a person without a disability can do**. One of the basic requirements for Social Security or SSI disability is that a person’s medical condition must be serious enough to prevent them from doing more than an insignificant amount of work for at least 12 months.

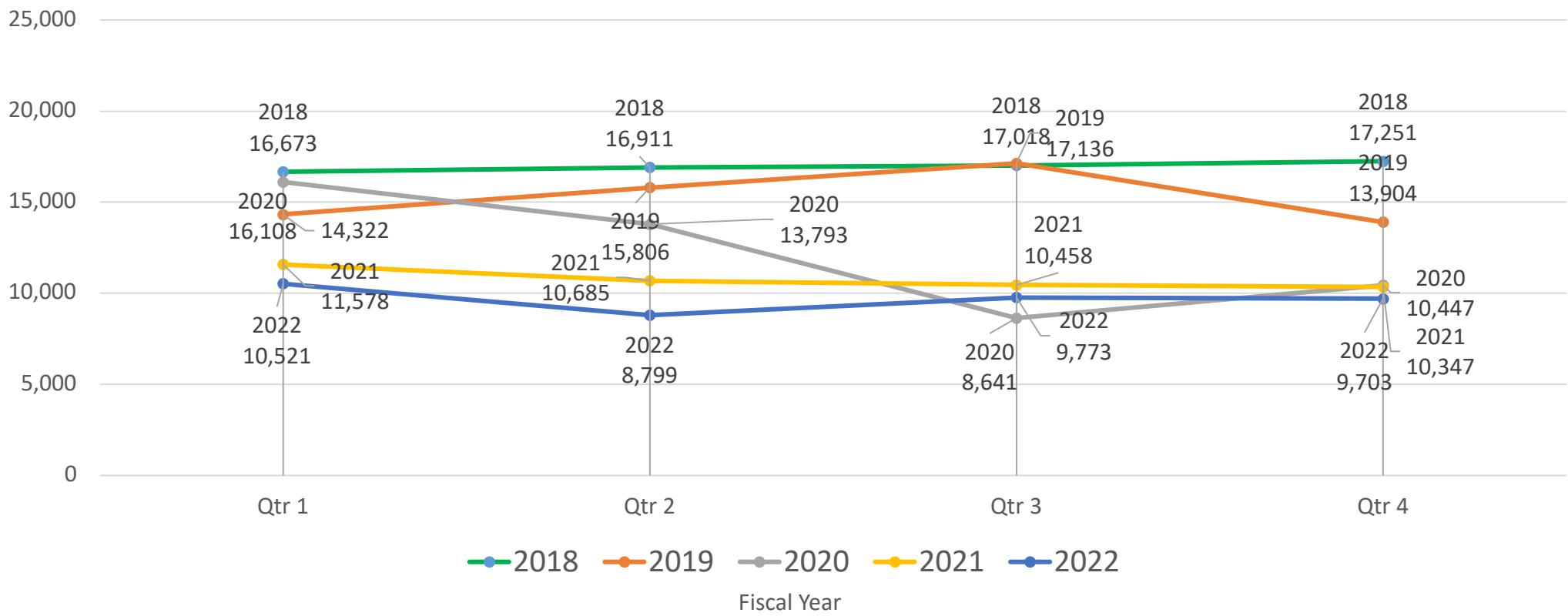
# Social Security Claims Received over Time

Case receipts rebounded in FY 21 and FY22.



# Social Security Claims Adjudicated over Time

The number of claims adjudicated have dropped in FY 21 and FY 22.



# DDS Vacancies

The loss of one experienced DDS Claims Examiner represents 700 claims that are not adjudicated each year. With 48 vacancies this represents approximately 33,000 Maryland citizens claims that are delayed in being processed.

Date	DDS Vacancies
December 31, 2019	16
December 31, 2020	12
December 31, 2021	37
*May 19, 2022	48

\* The number of vacancies prior to the implementation of the MSDE Pay Plan



# Backlog

The resulting vacancies have created a backlog at the Maryland DDS. The backlog is not just a Maryland issue, but a national issue as well.

Backlog as of September 2022

<b>National</b>	<b>1,165,004</b>
<b>Maryland</b>	24,777
<b>Pennsylvania</b>	37,963
<b>Virginia</b>	25,356
<b>Wisconsin</b>	26,146

# Response to DDS Vacancies

- Due to the **low State starting salary**, the DDS was having **difficulty attracting and retaining staff**.
- Candidates instead went to **other organizations that offered higher salaries**.
- Employees **could earn \$20,000 to \$30,000 more** than what they were earning at the DDS.
  - Example: DDS claims examiners that left the Maryland DDS for the **DC DDS** earned a starting salary of **\$76,550, which was \$22,000 more than they were earning in Maryland**.
- Superintendent Choudhury directed the senior leadership of MSDE and DORS to undertake a **salary study to determine what the appropriate salary range** should be. Based on the salary study and approval from the Department of Budget and Management, a **new salary structure was created for the claims examiners**.
- **On July 1, 2022, the starting salaries went from \$42,035 to \$54,665.**
- The most **recent recruitment** for a DDS claims examiner position **resulted in 170 applications** received. Of those applications, **69 individuals** were determined to be selectable, and **36 conditional job offers have been made**. Existing DDS claims examiners received at least a **20% increase** in their salary.

# Questions?



# The Vocational Rehabilitation Program

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*The Division of Rehabilitation Services has been serving Marylanders for more than 90 years.*

# Background of Vocational Rehabilitation Program

- There has been a **federal VR program** in existence since **1920**.
  - Each state runs its own VR program.
  - **Maryland's VR program** is commonly referred to as "**DORS**".
- The Maryland VR program was **created in 1929**.
  - Senate Bill 174 (1929) created the **Division of Vocational Rehabilitation within the Maryland State Department of Education**.
  - The VR program **initial appropriation was \$15,000** and had two staff members.
  - **Today**, the VR program has a **budget of \$79,555,321** and has a **staff of 390 PINs and 46 contractual employees**.
- VR falls under **Title I of the Rehabilitation Act of 1973**, as amended.
- In 2014, the VR program was reauthorized under Title IV of the **Workforce Innovation and Opportunities Act (WIOA)**.
  - **WIOA requires the use of a Combined State Plan**.
  - Established **common performance measures** for the four partners.

# Vocational Rehabilitation Staffing/Structure

- Each state determines **their own VR program structure**. The **Rehabilitation Act** allows for **three organizational structures** for the VR Program:
  - **Combined Agency-** Provides VR services to all disability groups
  - **General Agency-** Provides VR services to all disability groups, except individuals who are blind
  - **Blind Agency-** Provides VR services to individuals who are blind
- **DORS is a Combined Agency**
  - Office of Field Services (OFS)
  - Office for Blindness and Vision Services (OBVS)
  - Workforce and Technology Center (WTC)
  - The VR program has **approximately 436 employees**:
    - 23 field offices and the Workforce and Technology Center



# Commission Topic: #1

**How does DORS ensure stakeholder input for programs and services?**

# State Rehabilitation Council

- The **Rehabilitation Act of 1973**, as amended, requires the State Vocational Rehabilitation program to have a **Governor appointed Commission or a State Rehabilitation Council**.
  - **Maryland has a State Rehabilitation Council.**
- Each Council member can **serve up to two three-year terms**.
- **Must represent or be an individual with a disability, current or former clients, and employers.**
- Meet at **least 4 times a year**: February, May, September, and November.
- Responsible for **reviewing performance of the VR agency**.
- Review VR agency **policies, procedures, regulations**, and provide input and recommendations.
- Collaborate with the VR program in the **tri-annual Comprehensive Statewide Needs Assessment**.
  - The **Assessment requires stakeholder input** from the disability community, service providers, employers, and DORS staff.



# Other Stakeholder Input

- DORS conducts a **customer satisfaction survey on a quarterly basis** with current and former DORS clients.
  - This information is **shared with the State Rehabilitation Council.**
- DORS holds **several public meetings** that are advertised through DORS website, Facebook, emails, and text messages to clients, providers, and outside organizations.
- DORS holds three **meetings with DORS community rehabilitation providers.**
- DORS **reviews our demographic data** and compares that to the State demographic data to determine underserved communities.
  - Example: DORS is currently **working with several providers to increase our knowledge and presence** in the Hispanic/Latino community.
- DORS has partnered with Parents Place of Maryland to conduct **listening sessions with parents and students concerning transitioning services** and the clarity of the communication coming from DORS.

# Stakeholder Input

What other areas and avenues should DORS consider to seek stakeholder input?



**Commission  
Topic: #9**

**How should Maryland  
be investing to better  
support DORS job  
training programs?**

# Financial Overview of Vocational Rehabilitation Program

- The VR program is a **mandatory funded program**; **Congress must provide funding** each year.
  - The VR funding increases based on changes to the Consumer Price Index.
- Funding for each State is **determined by a federal funding formula** which is part of the Rehabilitation Act.
- The funding formula considers:
  - **Average state wage (Maryland is ranked #1 in highest median household income), poverty level of the State, and change in the State's population.**
- The funding formula does not consider:
  - **Number of disabled individuals living in the State or the cost of living in that State.**
- States must provide **Match funds** in order to obtain their full allotment of federal funds.
- 78.7% from the federal VR grant and 21.3% must come from the State Match.
  - Commonly referred to as the **“80/20 split.”**
- There is also a **Maintenance of Effort (MOE) requirement** for the State. Meaning the State is required to provide the same level funding effort it had in previous fiscal years.

# Vocational Rehabilitation Program

- **Maryland's overall wealth, overall poverty level, and moderate population growth** means that the federal funding formula has an **adverse impact** on the funding for DORS.
- **Maryland**
  - Population: 6.2 million
  - FY 23 Federal Award: \$52,041,475
- **Wisconsin**
  - Population: 5.9 million
  - FY 23 Federal Award: \$70,474,814
- **Missouri**
  - Population: 6.1 million
  - FY 23 Federal Award: \$80,921,068

Population figures from the 2022 Census

# DORS Funding Past and Future Projections

We have more federal funding projected than we will be able to match in the coming years.

Year	Current Grant Amounts	Forecasted Grant Amounts	State Match Requirement	State VR Appropriations vs Required Amount	Reduction in VR Grant
2021	\$46,881,489			\$14,621,160	
2022	\$48,610,998		\$13,156,470	\$1,464,690	
2023	\$52,041,475	\$52,041,475	\$14,084,922	\$536,238	
2024		\$55,471,952	\$15,013,375	-\$392,215	\$1,568,860
2025		\$58,902,429	\$15,941,826	-\$1,320,666	\$5,282,664
2026		\$62,332,906	\$16,870,278	-\$2,249,118	\$8,996,472
2027		\$65,763,383	\$17,798,731	-\$3,177,571	\$12,710,284

For Match, for every dollar, the State falls below its Match requirement, DORS loses \$4 of its federal funding allotment. By 2028, DORS will at a minimum lose 3.8 million in federal funding.

# DORS Funding Consideration

What should Maryland's investment be in the Division of Rehabilitation Services to ensure that the vocational rehabilitation program is able to maximize its federal funding to provide services and training to individuals with a significant and most significant disability?



# Vocational Services

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*Employment in a competitive integrated setting is the goal for all individuals receiving Vocational Rehabilitation services.*



# The Workforce Innovation Opportunities Act of 2014

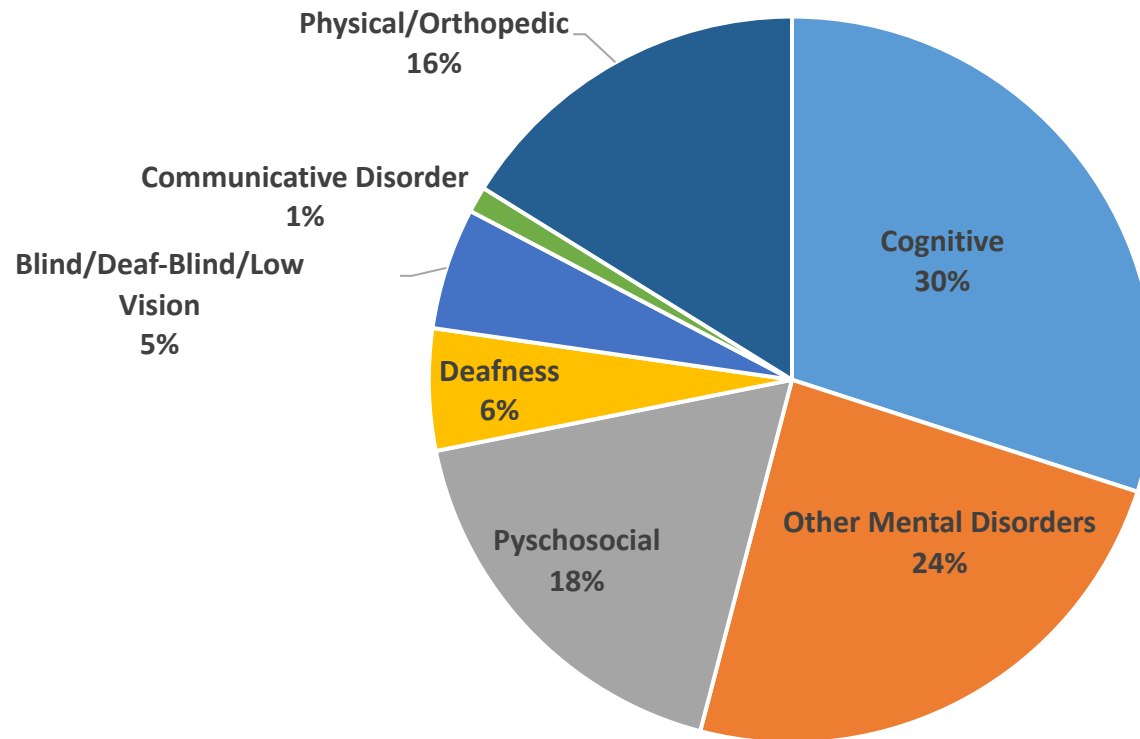
- **WIOA made significant changes** to the VR Program.
- **Created two distinct programs** within the Vocational Rehabilitation Program.
  - Traditional adult **vocational program** focused on training and employment.
  - **Pre-Employment Transitioning Services** for students with disabilities.
    - Required that 15% of federal funding be set-aside for this program.
- Changed the performance requirements of VR program to match the requirements traditionally found with the U.S. Department of Labor.
  - Wages 2nd Quarter after exiting the program;
  - Wages 4th Quarter after exiting the program;
  - Median Earnings;
  - Credential Attainment;
  - Measurable Skills Gains; and
  - Engagement with Employers.

# Vocational Services

**Who are the constituents that receive services from DORS and what is the VR Process?**

# Clients Served by Disabilities, 2017-2021

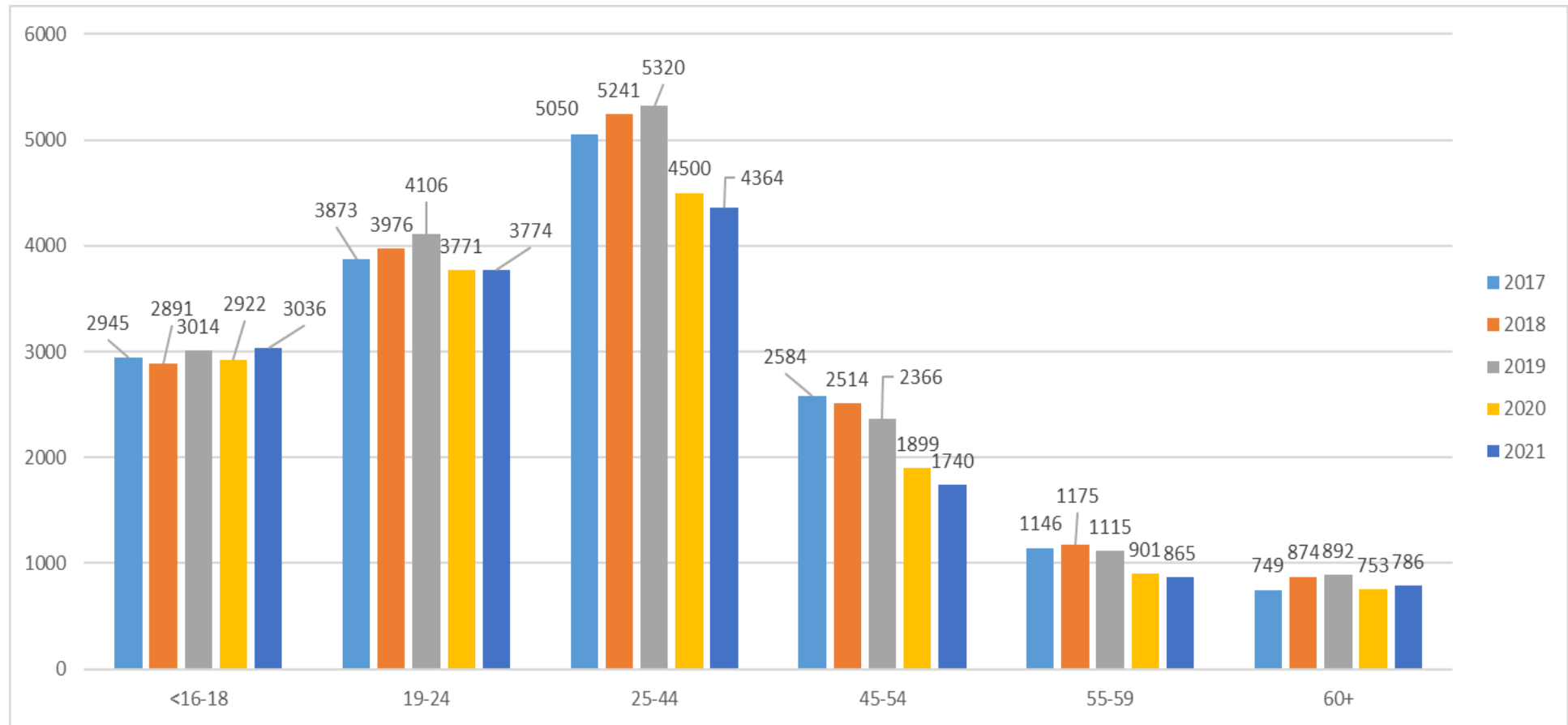
Individuals with a cognitive disability is the largest group served by DORS.



Disability Type	Clients Served
Cognitive	8,475
Other Mental Disorders	6,805
Psychosocial	5,028
Deafness	1,531
Blind/Deaf-Blind/Low Vision	1,530
Communicative Disorder	327
Physical/Orthopedic	4,565

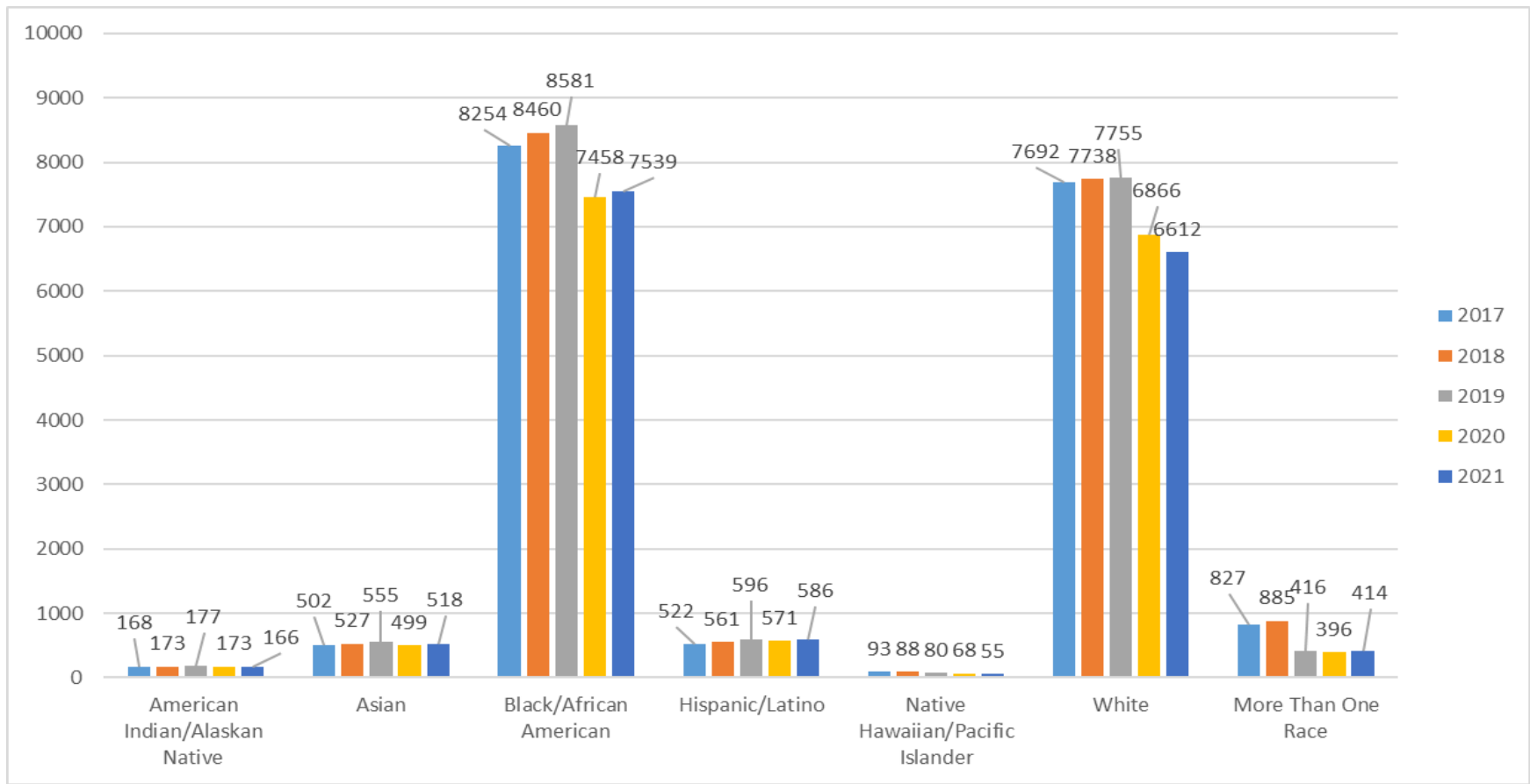
# Clients Served by Age Range, 2017-2021

Significant drop in individuals who are between the ages of 25-44 during the Covid-19 pandemic



# Clients Served by Race/Ethnicity, 2017-2021

Significant drop in Black/African American and White individuals served in 2020 and 2021



# What is the Eligibility Process for the Vocational Rehabilitation Program?

The process starts by completing the **DORS** online referral form.

- The form can be completed and submitted by:
  - The individual
  - Parent/guardian or other family member
  - Community provider
  - School personnel
  - Medical professional or social worker

## What is the Eligibility Process for the Vocational Rehabilitation Program?

- Once the **online referral is received**, DORS will mail the **application packet** within one to two business days. The packet includes the **application and instructions**, important information that the consumer needs to know about DORS, including the **need for current medical records** to determine program eligibility, and a prepaid business return envelope.
- The **VR program is an eligibility program**, not an entitlement program.
- Once the consumer's application is received, it is **assigned to a Vocational Rehabilitation Counselor** in the **DORS Eligibility Determination Unit (EDU)**. This unit's **sole focus is obtaining and reviewing** the medical records, determining eligibility of the individual, and assigning the individual to a **Category of Service (Order of Selection)** based on the individual's disability and functional limitations.

# What is the Eligibility Process for the Vocational Rehabilitation Program?

- In the event the consumer does not have ready access to their medical records, the consumer can give written permission so that the EDU VR counselor may request those records, even if there is a cost involved.
- If there are no current medical records available, the EDU VR counselor will make arrangements for a current physical or psychological evaluation to be performed at no cost to the consumer.
- The standard set by federal regulation is **60 days for DORS to make an eligibility decision** for vocational rehabilitation services.
  - Currently, **VR Counselors are making decisions on average within 37 days.**



# What is the Eligibility Process for Pre-Employment Transitioning Students?

- A student with a disability who is only applying for Pre-Employment Transitioning Services has a much lower benchmark standard to qualify for services.
  - Need to be between the age of 14 and less than 22 and in school.
  - Can use IEP, 504 plan, or medical documentation specifying the student's disability.
- DORS partnership with the **University of Maryland Center for Transitioning and Career Innovation** to work with parents, students, and schools to gather the necessary information and signatures **so the EDU can make the decision** on whether a student qualifies for Pre-Employment Transitioning Services.
- Federal regulations does not establish a timeframe for qualifying a student for Pre-Employment Transitioning Services.

# What is the Individual Plan for Employment Process? (1 of 2)

- If an individual is **determined eligible by the EDU** and assigned to category **1, Most Significantly Disabled**, the next step in the process is to **develop an Individual Plan for Employment (IPE)**.
  - At this point the individual is assigned to a VR counselor in the office they selected on their referral form.
- The **IPE is a document that commits the individual and DORS to the services/items that will be provided** and indicates who will be responsible for paying for those services/items.
- The **VR counselor will contact the individual and set up an appointment to begin the process of determining the individual's employment goals and objectives, identifying what training needs the individual may have to meet their employment goals, including needs for Assistive Technology or other supports, while considering any barriers that may have hindered the individual in achieving their employment goal. This process also identifies responsibilities of the individual associated with participation in the program. All this is included on the IPE, which is signed by individual and DORS.**

## What is the Individual Plan for Employment Process? (2 of 2)

- If the individual is unsure of their possible employment or career path, the **VR counselor can arrange for the individual to complete an online interest inventory or an online or in-person Career Assessment to help guide the discussion.**
  - Local labor market information is also used to help determine if the employment goal is realistic.
- The **IPE is a dynamic document that can be amended as the individual progresses** through the various stages towards their career goal. DORS can only provide those services that are on the IPE. If new services are needed, they can be added to the IPE. **The IPE also recognizes services that might be provided by other organizations.**
  - Example: DORS has agreed to pay for half of the tuition to go to college with the other half being paid by a Pell grant.
- The **standard set by federal regulation** for the development and signing of an IPE is **90 days from date of eligibility.**
  - Currently, **DORS VR counselors average 66 days** to complete this task.

# Services which may be found on an IPE under the VR program

- Vocational Guidance and Counseling;
- Assessments;
- Credential training such as GED, technical and vocational schools, apprenticeships, colleges, and universities;
- Non-Credential training such as work readiness, apprenticeship prep programs, work-based learning, or internships;
- Job Search and Development/Placement/Coaching;
- Assistive Technology; and
- Maintenance and Transportation.



# Commission Topic: #4

**How does DORS utilize  
public-private  
partnerships to assist  
Division of Rehabilitation  
Services' clients?**

# DORS Public/Private Partnerships

- In order for DORS to provide the services necessary for our clients, **DORS has developed a vast array of partnerships** around the state:
  - **225 Cooperative agreements** with community rehabilitation providers
  - All of the local Workforce Boards
  - Local Education Agencies
- **State partnerships with**
  - Behavioral Health Administration
  - Developmental Disabilities Administration
  - Department of Disabilities
  - Department of Labor
  - Maryland State Department of Education, Office of Early Intervention and Special Education

# DORS Public/Private Partnerships

- **Colleges and Universities:**

- University of Maryland Center for Transitioning and Career Innovation;
- Morgan University
- Loyola University
- Community College of Baltimore County
- Wor-Wic Community College

- **Employers:**

Amazon	Sodexo	Plaza Ford
CVS	Chick-Fil-A	Mercedes Benz
Mile One Auto Group	Safeguard Maintenance	Enterprise Holdings
Star Bucks	Chase Quality Professionals	Sephora
Weis Markets	Tate Dodge	Certified Contractors Network

# DORS Partnerships in Action: Case Study

- DORS Public and Private Partnerships:
  - Sephora
  - Community College of Baltimore County (CCBC)
- Sephora's corporate mission is to have their workforce be representative of the community, which includes individuals with disabilities.
- Sephora reached out to the Workforce and Technology Center (WTC) to help find and train individuals to work at their warehouse in Harford County.
- WTC using the Warehouse Training module that they had developed with CCBC and customized that program to meet Sephora's requirements.
- WTC teamed up with CCBC to provide the onsite training at Sephora.
- To date, 8 training sessions have been held and 17 individuals have been employed by Sephora with three other individuals obtaining employment at other warehouse locations.



**What other partnerships should the Division of  
Rehabilitation Service explore?**



# Pre-Employment Transitioning Services

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*Pre-Employment Transitioning Services allows students with a disability to explore the world of work and possible career pathways.*

# Pre-Employment Transitioning Services

- **Workforce Innovation and Opportunities Act** required VR agencies to **set-aside 15% of their VR funding to provide Pre-Employment Transitioning Services** for students with disabilities.
- **A student with a disability** is defined as:
  - An individual who is at least 14 but younger than 22;
  - Is enrolled in secondary or post-secondary school;
  - Has a **documented disability, is eligible for and receiving special education or related services** under Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or is an individual with a disability, for purposes of section 504; or has medical documentation.

# Allowed Pre-Employment Transitioning Services (1 of 5)

- **Job Exploration Counseling, or Career Counseling** can include a wide variety of professional activities which help individuals with career-related issues.
- Examples:
  - The **student's vocational interest inventory results**
  - **Local labor market** information
  - **In-demand industries** and occupations
  - **Non-traditional employment** options
  - Identification of **career pathways of interest** to the students

## Allowed Pre-Employment Transitioning Services (2 of 5)

- **Work Based Learning Experience** is an educational approach or instructional methodology that uses the workplace or real work to provide students with the knowledge and skills that will help them connect school experiences to real-life work activities and future career opportunities.
- Examples:
  - **Job Shadowing**
  - **Career Mentorships**
  - **Paid and non-paid internships**
  - **Service Learning/Volunteering**
  - **Paid and non-paid work experiences**
  - **Workplace Tours/Field Trips**

# Allowed Pre-Employment Transitioning Services (3 of 5)

- **Counseling on opportunities for enrollment** in comprehensive transition or postsecondary educational programs.
- Examples:
  - **Community Colleges** (AA/AS degrees, certificate programs and classes)
  - **Universities** (Public & Private)
  - **Career pathways** related workshops/training programs
  - **Trade/Technical Schools**
  - **Military**
  - **Post-Secondary programs** at community colleges and Universities for students with intellectual and developmental disabilities.

# Allowed Pre-Employment Transitioning Services (4 of 5)

- **Workplace readiness** are a set of skills and behaviors that are necessary for any job and are expected by employers.
- Examples:
  - **Social/Interpersonal Skills**
  - **Independent Living Skills**
  - **Financial literacy**
  - **Orientation and mobility skills**
  - **Job-seeking skills**
  - **Understanding employer expectations** for punctuality and performance
  - **Other "soft" skills** necessary for employment

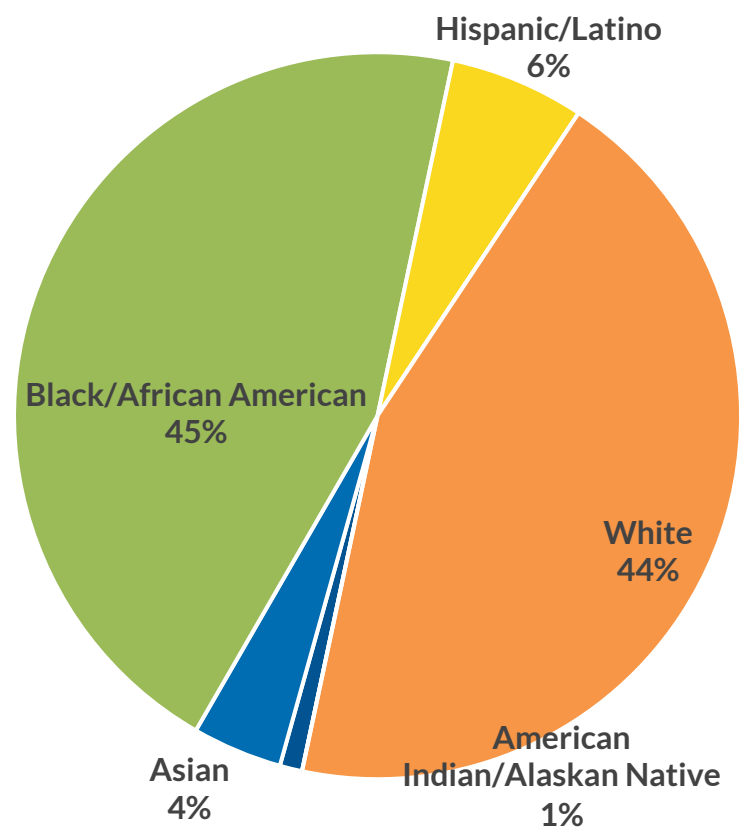
# Allowed Pre-Employment Transitioning Services (5 of 5)

- **Self-advocacy** refers to: an individual's ability to effectively communicate, convey, negotiate or assert his/her own interests and/or desires.
- **Self-determination** means that individuals with disabilities **have the freedom to plan their own lives**, pursue the things that are important to them, and experience the same life opportunities as other people in their communities.
- Examples:
  - **Self-awareness**
  - **Understanding one's disability** and how to disclose
  - **Requesting and utilizing accommodations**
  - **Knowing one's rights/responsibilities**
  - **Learning how to problem solving**



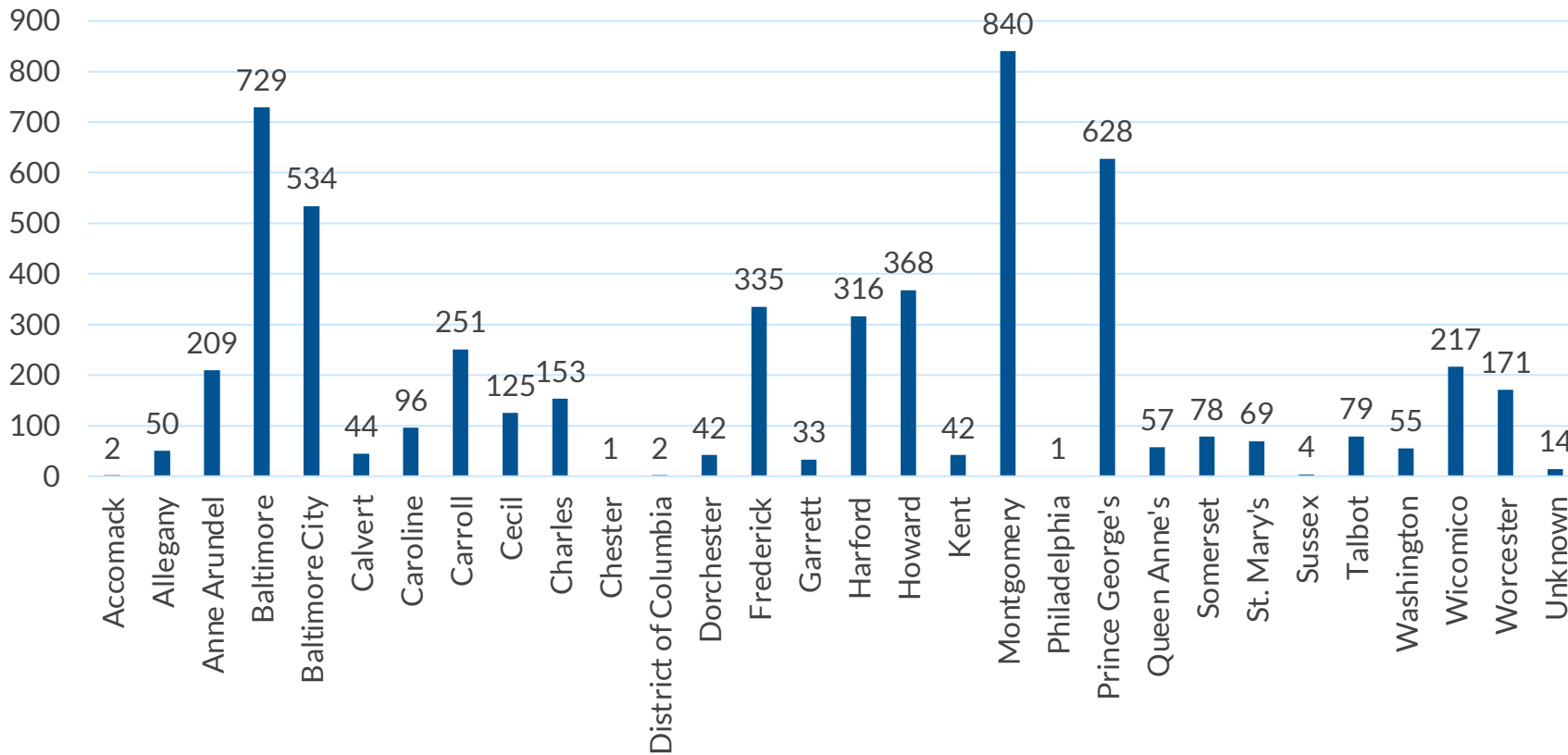
# Current Pre-Employment Transitioning Services by Race

Asian and Hispanic/Latino students participate in Pre-Employment Transitioning Services at a higher rate than their participation rate in the vocation rehabilitation program.



# Pre-ETS Students by Local Jurisdictions

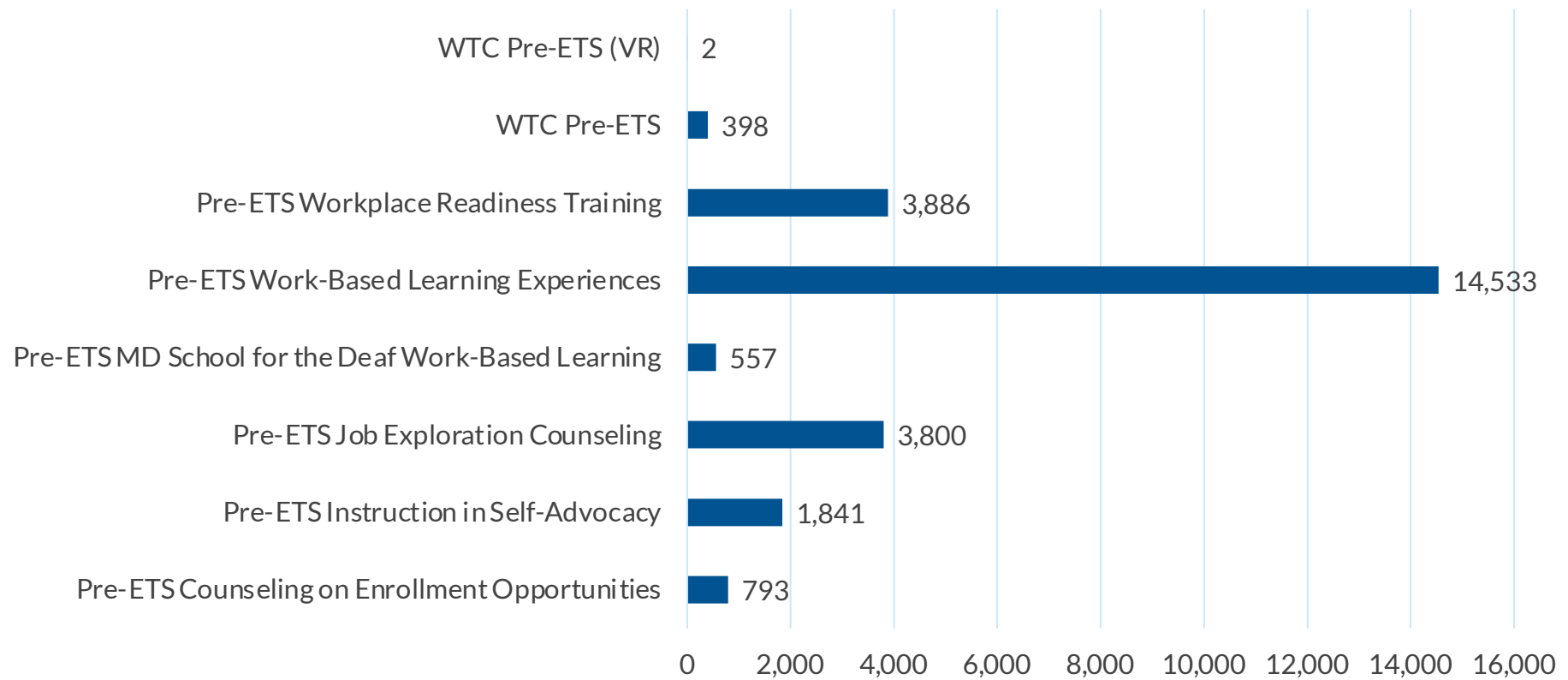
The VR program allows individuals to receive service, including Pre-ETS, from other jurisdictions.



# Historical Transitioning Services by Types of Service

DORS has a strong work-based learning experience program, already established prior to WIOA

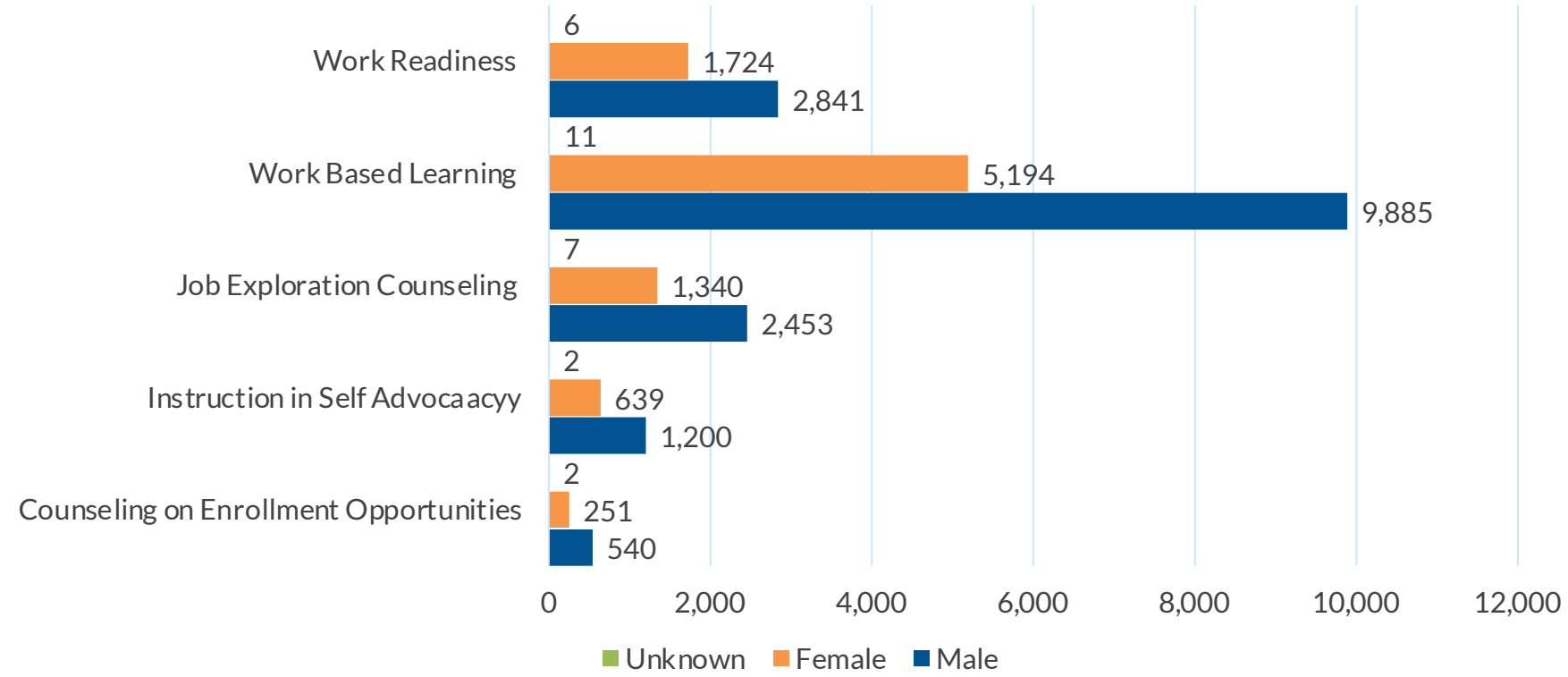
Pre-ETS Services provided since 7/1/2017



# Services by Gender

As with the VR program, male participants represent a higher percentage of the participants.

Pre-Employment Services by Gender since 7/1/2017



# Questions?



# Order of Selection

1. Overview of Commission Responsibilities
2. DORS Overview
3. The Disability Determination Services
4. The Vocational Rehabilitation Program
5. Vocational Services
6. Pre-Employment Transitioning Services
7. **Order of Selection**
8. National Overview of Orders of Selection
9. Maryland's Order of Selection
10. Factors Influencing The Waitlist
11. Challenges and Solutions

*Order of Selection can have an impact on individuals seeking services from the vocational rehabilitation program.*

# What is Order of Selection?

- In accordance with federal regulations 34 CFR 361.36, if a **State does not have sufficient resources (financial or human) to serve all eligible individuals and provide for the full range of vocational services**, then an Order of Selection must be established.
- **Order of Selection** means that the State must **establish the criteria** by which all eligible individuals are placed into a **category based on the severity of their disability**.
  - The criteria must assure that those **individuals with the Most Significant disabilities are served first**.
  - **Maryland has been in Order of Selection** since the late 1980s.



# Commission Topic: #6

Should the eligibility criteria for the Division of Rehabilitation Services' programs and services should be altered?



# Order of Selection Process

- A State VR Program is required to submit to the Rehabilitation Services Administration a plan on how the VR Program is going to serve individuals on an Order of Selection and what criteria that the VR Program is going to use.
- The criteria is **not based solely on the type of disability.**
- The criteria must be **based on the significance of the individual's disability and the impact the disability has on their functional levels.**
- It is **up to the State VR Program** to determine if an Order of Selection is needed in their State and the **number of Categories the State will use** to determine who receives services.



# National Overview of Order of Selection

1. Overview of Commission Responsibilities
2. DORS Overview
3. The Disability Determination Services
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*Order of Selection affects state VR programs across the nation.*

# Order of Selection: National Overview

- There are a **total 78 VR agencies in the country** and territories.
- **40 VR agencies have no Order of Selection.**
- **38 VR agencies are on Order of Selection.**
  - **18 of the 38 VR agencies have some categories closed.**
  - **20 of the 38 VR agencies are on Order of Selection with all Categories open.**
- **No VR agencies have all the categories closed.**
- Each State on Order of Selection must set up how they plan to serve individuals and in what order by establishing Service Categories.
  - **32 State VR agencies have three categories, including Maryland**
  - **5 State VR Agencies have four categories**
  - **1 State VR Agency has five categories**

# Five Categories

Washington State has five categories in its Order of Selection

Significance Level	Meet Definition of Significantly Disabled	Categories of Functional	Duration of Services	Number of Services
Category 1	Yes	4 or more	Requires VR Services over an extended period of time	Requires multiple services
Category 2	Yes	3	Requires VR Services over an extended period of time	Requires multiple services
Category 3	Yes	2	Requires VR Services over an extended period of time	Requires multiple services
Category 4	Yes	1	Requires VR Services over an extended period of time	Requires multiple services
Category 5	No	1 or more	No Extended duration of VR Services	Multiple Services not required

# Four Categories

Five states have Order of Selection systems with four categories.

Significance Level	Meet Definition of Significantly Disabled	Categories of Functional	Duration of Services	Number of Services
Category 1	Yes	Category 1 - Eligible individuals with the most significant disabilities that have limitations in three or more major areas of functional limitations.	Requires VR Services over an extended period of time	Requires multiple services
Category 2	Yes	Eligible individuals with significant disabilities that have limitations in two major areas of functional limitations.	Requires VR Services over an extended period of time	Requires multiple services
Category 3	Yes	Eligible individuals with significant disabilities that have limitations in one major area of functional limitations.	Requires VR Services over an extended period of time	Requires multiple services
Category 4	No	Non-significant disability	No Extended duration of VR Services	Multiple Services not required



# Maryland's Order of Selection

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*Maryland is one of 32 states with three categories.*

# Maryland's Order of Selection (1 of 3)

- **Category 1 – Most Significant**

- An individual with a "**most significant**" **disability** is an individual who is available and willing to participate in the DORS Vocational Rehabilitation program and meets the definition of significant disability and has a disability which seriously affects three or more functional capacities.

- **Example:**

- Consumer has a diagnosis of Bipolar Disorder, Personality Disorder, and recovering substance abuse. Consumer reports that due to her depression she stays in bed days on end at times. Consumer also reports past hospitalizations for her mental illness. This affects her Interpersonal Skills. Isabella stated she resides with her fiancé who supports her financially. She stated he also helps her with daily living skills. These aforementioned have affected her self care. Consumer reports she has not worked in approximately 16 years. This affects her work skills due to her limited work experience.

-

# Maryland's Order of Selection (2 of 3)

- **Category 2 – Significant**
  - An individual with a **“significant” disability** is an individual who is available and willing to participate in the DORS Vocational Rehabilitation program and meets the definition of significant disability and has a disability which seriously affects one or more functional capacities.
- **Example**
  - Consumer has progressively lost her hearing. Consumer was provided a hearing evaluation and hearing aid recommendation previous to the meeting. She communicates verbally and does not know sign language. Wendy is requesting services for DORS to assist with hearing aids so that she can use them as an accommodation on the job.



# Maryland's Order of Selection (3 of 3)

- **Category 3 - Non-Serve**

- An individual with a “**Non-Serve**” is an individual who is available and willing to participate in the DORS Vocational Rehabilitation program and meets the definition of significant disability and has a disability which has a limited affect on one’s ability to work.

- **Examples**

- Sam's medical documentation points to low back pain controlled with rest and ibuprofen. No other disability information or functional limitation provided.
- Jeff, a 17-year-old student, has a 9th grade reading and math level. Documentation of ADHD but no meds or counseling.
- Frank had surgery to fix a broken femur and shattered knee cap. Expected to make full recovery with a partial limp. Consumer is not determined to have a disability allowing need for DORS services.



# Factors Influencing the Waitlist

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*Key factors influence when categories are opened and closed.*

# Inputs that Affect the Order of Selection Waitlist

The size of the waitlist is dependent on three major types of issues. The next section will go into details of each of these categories:

- Funding
- Staffing levels
- Workloads

# Funding Issues

- In the early to mid 2000s, the **relative wealth of the State of Maryland was increasing**. Because of the federal funding formula, the **federal funds** for the VR program were **either flat or decreased**.
- This **trend continued for approximately three to four years**, while the **costs to operate the Division continue to increase**.
- By the end of **FY 2006**, the Division was **running out of funding** before the end of the federal fiscal year.
- To realign resources to **match the federal funds**, the Division shut down all nonessential spending, limited the approval of new services on **Individual Plan for Employment (IPE)**, and, in June 2007, **closed Categories 1 and 2**. In addition, the Division laid off and eliminated approximately 30 staff positions.
- In the **FY 2009** budget, **DORS received a \$2 million** State fund enhancement to address the growing waitlist. **Category 1 was fully reopened** with **Category 2 open but, with a waitlist**.
- By 2012, funding was no longer an issue as DORS had **received funding** through the American Recovery and Reinvestment Act and through federal reallocation of VR funding from States **who could not meet their Match requirements**.

# Staffing Levels

As a result of State budget cuts and the VR federal funding issues, DORS has seen a significant reduction in staff over the years.

Program	FY 2008	FY 2023	Difference	Percentage Change
Headquarters	85	61	24	28%
Office of Field Services	229	198	31	14%
Workforce and Technology Center	130	90	40	31%
Office of Blindness and Vision Services	47	41	6	13%
<b>Totals</b>	<b>491</b>	<b>390</b>	<b>101</b>	<b>21%</b>

# Staff Retention and Recruitment

- State **starting salaries were low** when compared to salaries paid by some jurisdictions, and federal and private organizations.
- The historically **low salaries made it difficult to both attract and retain experienced VR Counselors.**
- **DORS received a small number of applicants** for each recruitment regardless of geographical area of the State.
- The majority of seasoned DORS **VR Counselors have Master's Degrees**, which with their education and VR experiences **makes them an attractive candidate for other organizations.**

# DORS Historical Counselor Vacancies

Date	DORS Vacancies
December 31, 2017	13
December 31, 2018	13
December 31, 2019	20
December 31, 2020	30
December 31, 2021	39
*May 19, 2022	42

\* The number of vacancies prior to the implementation of the MSDE Pay Plan

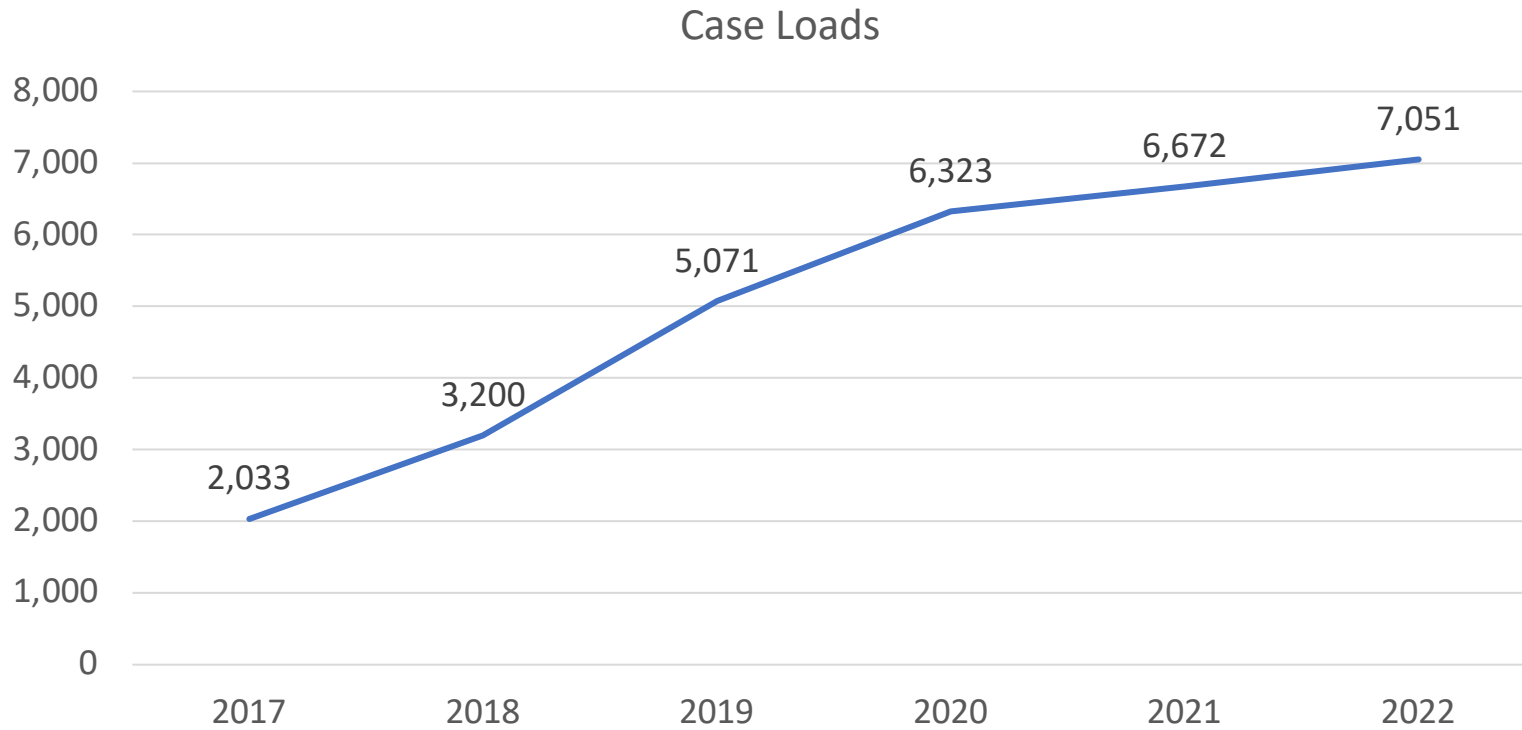
# Workloads

- **Nationally**, the average caseload size for a **VR Counselor** is **between 85 to 100 cases**.
  - Currently the **average caseload size** for a **VR Counselor in Maryland** is **137**.
  - The top three counselors have **379 cases, 332 cases, and 264 cases**.
- **DORS current active cases** for VR and Pre-ETS is **16,920 cases**. In total, for Program Year 2022, DORS handled **27,561 VR and Pre-ETS cases**.
- In **2007**, DORS handled **25,795 cases** and the waitlist had **4,473 individuals**.
- There is **no** Order of Selection for Pre-Employment Transitioning Services.
- DORS is **averaging 265 new referrals** for either VR or Pre-ETS services per week.



## Workloads

Pre-Employment Transitioning Services workloads have steadily increased over the years.



# National Waitlist

Maryland has the highest waitlist in the nation.

Agency	Number of individuals on waitlist
Total	9,723
MD	2777
IN	2508
WA-G*	1,338
NM-G	610
OK	585
ME-G	491
MT	462
HI	310
MN-G	276
PA	194
TN	46
FL-G	44
GA	27
MN-B**	4
VI	1

\*Agency is designated as a General Agency  
 \*\* Agency is designated as a Blind Agency

# DORS Current Waitlist by Years

- DORS provides referral services to those individuals on the waitlist.
- DORS reopened Category 2 in September 2022. DORS will have rolled everyone off for 2017 by November and start rolling individuals from 2018 in December.

Year	Number of Cases on Waitlist
2017	94
2018	443
2019	566
2020	505
2021	602
2022	533
<b>Grand Total</b>	<b>2,743</b>

## Current Waitlist by Disabilities

Number of Cases on Waitlist	Year							
Disability Impairment	2017	2018	2019	2020	2021	2022	Total	
Blindness		1	1		3	4	9	
Cognitive impairments	32	168	195	185	261	200	1041	
Communicative impairments	3	4	10	22	8	11	58	
Deafness, communication auditory	4	4	2		3	4	17	
Deafness, communication visual	4	14	16	15	30	27	106	
General physical debilitation	2	13	15	14	19	18	81	
Hearing loss, communication auditory	3	13	20	10	13	7	66	
Hearing loss, communication visual	1	3	2	2	4	2	14	
Manipulation			1	1		1	3	
Mobility	1	7	8	13	16	11	56	
Mobility and manipulation	1	6	7	5	4	11	34	
Other Hearing Impairments		3	3	7	5	2	20	
Other mental impairments	11	64	99	81	76	68	399	
Other orthopedic impairments	4	13	12	11	13	6	59	
Other physical impairments	19	73	85	69	62	55	363	
Other visual impairments (including low vision)		3	13	8	12	14	50	
Psychosocial impairments	9	52	77	60	70	90	358	
Respiratory impairments		2		2	3	2	9	
<b>Total</b>	<b>94</b>	<b>443</b>	<b>566</b>	<b>505</b>	<b>602</b>	<b>533</b>	<b>2743</b>	

# How have other VR agencies handled waitlist issues.

- **Arizona** – The VR agency has the ability to flex up to over 200 VR Counselors based on an average caseload size of 100 cases per counselor. Currently at 130 counselors.
- **Massachusetts General** - Received \$10,000,000 in additional state funding. VR counselors currently do not handle any Pre-ETS, unless the individual has a VR case.
- **Maine General**- The VR agency did an in-depth analysis of their policy and procedures to see where they could eliminate unnecessary processes that the VR counselors had to go through, thus creating more time for the counselors to work on cases.
- **Wisconsin** used data analytics to help them manage their cases loads and their funding stream, which enable them to better manage their human and funding resources.

# Summary of Factors Influencing The Waitlist

Year	OFS/OBVS Staffing Levels	Total DORS Workload	Waitlist - September
2007	273	25,795	4,473
2022	239	27,561	2,743

**What recommendations would you propose to DORS to reduce the waitlist?**



# Challenges and Solutions

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# Launch of the Eligibility Determination Unit (EDU)

- DORS implemented a **proactive approach** to reopen Category 2.
- On **February 1, 2022**, DORS implemented its new **Eligibility Determination Unit (EDU)**. The EDU focuses solely on **determining eligibility for VR services** or determining whether a student **with a disability qualifies for Pre-ETS**.
- The **EDU has two units**, one unit is comprised of staff from the **Workforce and Technology Career Assessment Unit** as well as **VR counselors from the field**. There are a total of **22 staff** assigned to the EDU, which includes a program manager, two supervisors, four support staff and 15 counselors.
- As a result of grant funding provided by MSDE, **MSDE/DORS entered into a grant agreement with the University of Maryland Center for Transitioning and Career Innovation (CTCI)** for a **two-year pilot project** to study various ways and communication methods with parents, students, and schools for students who apply for Pre-ETS. **CTCI will handle obtaining all the required records and signatures so the EDU can qualify the student for Pre-ETS**.

# Competitive Salary Schedule Implementation

- Under Superintendent Choudhury direction, a **Regional salary study** was conducted to determine what the **competitive salaries** should be for the VR Counselors.
  - **On July 1, 2022, the starting salaries went from \$42,035 to \$54,665.**
  - **Existing VR Counselors and Supervisors received a 2 grade and 4 step increase, which increased their salary approximately 20%.**
  - **Four highly trained VR Counselors** who had recently left for opportunities elsewhere were **rehired.**
  - Prior to the implementation of the new salary scale, DORS had one recruitment where the agency received **only four applications.**
    - DORS readvertised the position after the new salary scale was implemented and DORS received **40 applications.**
  - As a result of these initiatives, DORS has **reopened Category 2 and is currently rolling individuals off the waitlist.**

# Continued Steps to Address the Waitlist

## Future initiative

- In-depth review of the **specific job duties** of the VR counselors who are assigned a Pre-ETS caseload to determine which job duties can be delegated to a third-party organization.
  - This includes a time study of the DORS Counselors to determine the number of hours spent on these functions.
  - The goal is to develop a fee for services model that will enable DORS to enter into **agreements with universities or non-profits** to help manage the Pre-ETS workload.
- **Deep dive into the DORS data** through partnership with **San Diego State University** to provide data analytic tools that will enable DORS to **analyze services** to determine if they add value to the vocational rehabilitation process and assess whether providers services lead to competitive integrated employment.

# Next Steps / Schedule

- Proposed Meeting Schedule:
  - October 26, 1:00 – 3:00
  - November 17, 10:00 – 12:00
  - December 8, 1:00 – 3:00
- Each subsequent meeting will be scheduled for two hours, depending on the Commission Topics to be covered.