

LDA of NYS Statement on “Order of Selection” for VESID Services

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The Learning Disabilities Association of New York State (LDANYS) is a statewide parent driven organization, representing thousands of families and consumers who have learning disabilities throughout the state. A learning disability is a lifelong, developmental disability, the cause of which is a neurological impairment.

LDANYS and the State Education Department’s Office of Vocational and Educational Services for Individuals with Disabilities (VESID) have had a productive relationship meeting the vocational rehabilitation needs of individuals with learning disabilities. Demand for VESID services has been steadily increasing but resources have not kept pace. VESID has received no additional state funds over the past eight years and federal programs, such as Welfare to Work, Workforce Investment, and Ticket to Work are putting more pressure on VESID to serve even more people with disabilities entering the workforce; more people to serve with less money means the potential implementation of order of selection.

The policy on order of selection requires that services will be provided on a prioritized basis and that not all eligible individuals will be served. Under an order of selection, individuals would be assigned to priority categories based only on the following criteria regardless of residency, type of disability, referral source, type of expected outcome, need for specific service, income level, age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, or sexual orientation. Individuals who are Public Safety Officers and whose disability is a result of action performed in the line of duty and which is a result of a criminal act, apparent criminal act or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution and administration of law, fire prevention, fire fighting or related public safety activities and meet eligibility criteria for a specific category, would be given priority for services within that specific category of eligibility. Based on available funds, individuals in priority category I would be served first, individuals in category II would be served next and finally, individuals in category III would be served.

Priority Category I - Persons with Most Significant Disabilities

An individual with a most significant disability means an individual:

- 1) who has one or more physical or mental disabilities determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and
- 2) who has a physical or mental impairment which seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, cognition, work tolerance, or work skills) in terms of an employment outcome; and

3) whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Priority Category II - Persons with Significant Disabilities

An individual with a significant disability means an individual:

1) who has one or more physical or mental disabilities determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and

2) who has a physical or mental impairment which seriously limits one or two or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, cognition, work tolerance, or work skills) in terms of an employment outcome; and

3. whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Priority Category III - Persons with Less Significant Disabilities

This category includes eligible individuals with less significant disabilities who are not included in Categories I and II.

It is LDANYS' goal to promote awareness and understanding of what order of selection would mean for some individuals with learning disabilities among state and federal policymakers. LDANYS also asks that funds available for VESID services be carefully examined and adequately appropriated on the state and federal level to ensure that all individuals who have disabilities, regardless of which category they fit into, have the services they need to fully participate in our society.