



## Ohio Administrative Code Rule 3304-2-54 Eligibility determination.

Effective: April 19, 2021

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(A) OOD's determination of an applicant's eligibility for vocational rehabilitation services shall be conducted in a manner consistent with 34 CFR 361.42, in effect on the effective date of this rule.

(1) OOD may use another agency's eligibility criteria to determine whether an applicant has a physical or mental impairment if OOD determines that the agency's criteria are consistent with the requirements in paragraph (A) of this rule.

(2) OOD shall notify applicants of eligibility decisions by regular U.S. Mail or other electronic means, and in the appropriate mode of communication as specified by the individual pursuant to rule 3304-2-51 of the Administrative Code.

(B) OOD's determination of an applicant's ineligibility for vocational rehabilitation services shall be conducted in a manner consistent with 34 CFR 361.43, in effect on the effective date of this rule.

(1) OOD shall notify individuals of ineligibility decisions in accordance with rule 3304-2-61 of the Administrative Code.

(C) An applicant's eligibility for VR services must 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; and

(3) a determination by a qualified vocational rehabilitation counselor employed by OOD 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.



(D) OOD shall determine eligibility within sixty days of an individual's application for vocational rehabilitation services, unless:

(1) exceptional and unforeseen circumstances beyond the control of OOD preclude making an eligibility determination and OOD and the applicant agree to a specific extension of time; or

(2) the applicant receives trial work experiences consistent with 34 CFR 361.42, in effect on the effective date of this rule.

(E) Any applicant who has been determined eligible for Social Security benefits under Title II Social Security Disability Insurance (SSDI) or Title XVI Supplemental Security Income (SSI) of the Social Security Act is presumed eligible for vocational rehabilitation services and is considered an individual with a significant disability provided the individual intends to achieve an employment outcome consistent with 34 CFR 361.42, in effect on the effective date of this rule.

(F) OOD shall not impose a duration of residence requirement that excludes from services any applicant who is present in the state as part of determining eligibility. OOD shall not require the applicant to demonstrate a presence in the state through the production of any documentation that under state or local law, or practical circumstances, results in a de facto duration of residence requirement.

(G) Once an applicant is determined eligible for vocational rehabilitation services, OOD shall determine the individual's priority category for purposes of order of selection, pursuant to rule 3304-2-65 of the Administrative Code.

(H) This rule is designed to implement the Workforce Innovation and Opportunity Act, 29 U.S.C. 32, and resulting regulations.