**TITLE 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES**

**DIVISION 3. DEPARTMENT OF REHABILITATION**

**FINAL STATEMENT OF REASONS**

**UPDATE TO INITIAL STATEMENT OF REASONS**

There have been two changes to the Initial Statement of Reasons. In section 7041(a), the Department added, “in 2014 (29 U.S.C. 3101 et seq.)” to the subsection in response to a public comment made during the 45-day public comment period. In 7122(o)(7), a typo was fixed.

During the public comment period from December 5, 2022, through January 25, 2023, the Department received written comments from one commentor on the proposed regulatory update to the vocational rehabilitation application process. After making one relevant change to the documents based upon public comments, the Department noticed the one modification to the proposed text, with a public comment period from August 7, 2023, through August 25, 2023. During the public comment period, a member of the Department staff noticed an incorrect citation in section 7122 (o)(7) which made a reference to 7041(a)(1) but should have been 7041(b)(1) and was changed to that citation in the final proposed text.

All comments received during the public comment period are summarized and responded to below.

**The following additional information is provided for the record.**

**LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVE DURING THE FIRST PUBLIC COMMENT PERIOD OF DECEMBER 5, 2022, THROUGH JANUARY 25, 2023.**

Sarah Isaacs of Disability Rights of California (DRC) submitted 5 written comments.

**DRC, Comment 1:** As to section 7041(a), “In updating the title of the Workforce Innovation and Opportunity Act we recommend the Department include the year the WIOA was passed, 2014, and current citation [.]” (DRC comments, page 2

**Response to Comment 1:** Action Taken. The Department has added the year the Workforce Innovation and Opportunity Act was passed and the current citation (29 U.S.C. 3101 et seq.) to the text.

**DRC, Comment 2:** As to section 7041(b), DRC recommends moving the reference to Section 7044 which identifies the information necessary for an individual to apply for vocational rehabilitation services from subsection (b)(1) to subsection (b)(2) to “streamline the collection of information need to establish the date of application and start the eligibility timeline.”

**Response to Comment 2:** No action taken. This comment points to a difference in style and form but not substance. The information needed is included in the regulation text. The Department feels the information in (b)(1) is adequate.

**DRC, Comment 3:** As to section 7044, DRC recommends adding, “if known” to the request for how vocational rehabilitation services will assist the individual to prepare for, secure, retain, advance in, or regain employment as DRC notes a concern that individuals applying for vocational rehabilitation services “may not know all the ways VR services can assist them.”

**Response to Comment 3:** No action taken. Adding the wording, “if known” at the end of subsection (a)(5) changes the meaning and an individual is required to provide this information to apply for vocational rehabilitation services.

**DRC, Comment 4:** As to section 7044, DRC recommends adding a subsection that asks for reasonable accommodations or supports an individual might need to access vocational rehabilitation services, consistent with Title II of the Americans with Disabilities Act, Title 9 California Code of Regulations section and 7122(g).

**Response to Comment 4:** No action taken.Proposed section 7044 identifies only the information an individual must provide to apply for vocational rehabilitation services. An individual is not required to identify reasonable accommodations or supports to apply for vocational rehabilitation services. This could confuse some individuals who do not need a reasonable accommodation to apply for vocational rehabilitation services and could discourage an individual from applying for vocational rehabilitation services if they think they need to identify a reasonable accommodation to apply for vocational rehabilitation services.

**DRC, Comment 5:** As to section 7122, DRC recommends that language be added to require “documentation whenever vocational rehabilitation services are reduced, suspended, or terminated” in addition to the other subsections.

**Response to Comment 5:** No action taken. This comment is outside the scope of our rulemaking package. This rulemaking is only related to the application process.

**COMMENTS RECEIVED DURING THE 15 DAY PERIOD THE MODIFIED TEXT WAS AVAILABLE TO THE PUBLIC.**

**Department Comment:** During the public comment period, a member of the Department staff noticed an incorrect citation in section 7122 (o)(7) which made a reference to 7041(a)(1) but should have been 7041(b)(1) and was changed to that citation in the final proposed text. After discussing with the reference attorney at OAL, it was decided the change was not substantive to require another 15-day modification notice for the following reasons: 1. The citation that was erroneously referred to 7041(a)(1) does not exist, and 2. Section 7041(b)(1) is the first paragraph in the section 7041 and speaks directly to the subject discussed in 7122(o)(7).

There were no additional comments made at the time.

**Alternatives That Would Lessen Adverse Economic Impact On Small Business**

No alternatives were proposed to DOR that would lessen any adverse economic impact on small business nor were rejected by DOR.

**Alternatives Determination**

The DOR has determined that no alternative it considered or that was otherwise identified and brought it its attention would be more effective in carrying out the purpose for which the action is proposed, nor would be as effective and less burdensome to affected private persons than the proposed action of this rulemaking, and most cost effective and equally effective in implementing the statutory policy or other provision of law.

The regulations and amendments adopted by DOR are the only regulatory provisions identified by DOR that accomplish the goals of increasing openness and transparency for individuals interested in applying for vocational rehabilitation services and removing unnecessary, duplicative application processes. Except as set forth and discussed in the summary and responses to comments, no other alternatives have been proposed or otherwise brought to DOR’s attention.