

**STATE OF CALIFORNIA
DEPARTMENT OF REHABILITATION
721 Capitol Mall
Sacramento, California 95814**

**Title 9. Rehabilitative and Developmental Services
Division 3. Department of Rehabilitation
Add Chapter 13 Student Services
Articles 1 through 9, Sections 7370 through 7391
Pre-Employment Transition Services**

**NOTICE OF PROPOSED RULEMAKING
June 7, 2024**

The Department of Rehabilitation (hereinafter “Department”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a virtual public hearing on this proposed action starting at 10:00 a.m. on July 23, 2024, via Zoom Meeting. At the meeting, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The DOR respectfully requests that any person who makes oral comments also submit their comments in writing.

Zoom meeting: <https://dor-ca.gov.zoom.us/j/87910369600?pwd=7eHYzGe4rMR8VAH5ASRQGKCxAkJB5c.1>

Join Zoom Meeting

One tap mobile: US: [+14086380968,,87910369600#,,,*33621351#](tel:+14086380968,,87910369600#,,,*33621351#) or
[+16699006833,,87910369600#,,,*33621351#](tel:+16699006833,,87910369600#,,,*33621351#)

Meeting URL: <https://dor-ca.gov.zoom.us/j/87910369600?pwd=7eHYzGe4rMR8VAH5ASRQGKCxAkJB5c.1>

Meeting ID: 879 1036 9600

Passcode: G#e7bx&r

Join by Telephone

For higher quality, dial a number based on your current location.

Dial: +1 408 638 0968 US (San Jose)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 646 876 9923 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)

Meeting ID: 879 1036 9600

Passcode: 33621351

Closed captioning will be available within the Zoom meeting application. The Department is providing American Sign Language interpreters for this event. The interpreters will be available within the Zoom meeting application.

As a reasonable accommodation, limited in person seating may be available at the hearing in the Department's conference room, 721 Capitol Mall, Sacramento, California, 95814. Please email Legal@dor.ca.gov or call (916) 558-5825 by 2:00 p.m. on July 16, 2024, at least 7 days before the hearing, if an accommodation is necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will continue on the date noted above until all testimony is submitted, or until 11:00 a.m., whichever is later. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email to Legal@dor.ca.gov.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

Department of Rehabilitation
Office of Legal Affairs and Regulations
Attention: Michele Welz, Regulations Analyst
721 Capitol Mall
Sacramento, California 95814

Comments may also be submitted electronically by email to Legal@dor.ca.gov or by facsimile to (916) 558-5806. The written comment period closes at 5:00 p.m. on July 23, 2024. The Department will consider only comments received at the Department by that time. When commenting, please indicate the proposed rulemaking action to which your comment refers, for example, "Student Services."

AUTHORITY

Sections 19006 and 19016 of the Welfare and Institutions Code authorizes the Department to adopt these proposed regulations.

REFERENCE

The proposed regulations implement, interpret, and make specific sections 19011, 19012, 19013, and 19100 of the Welfare and Institutions Code; sections 1798.14 and 1798.30 Civil Code, and section 56026 of the Education Code; as well as sections 705, 722, 723 and 733 of title 29 of the United States Code, sections 1396 et seq. of title 42 of the United States Code; parts 361.38, 361.42, 361.46, 361.47, 361.48, 361.52, 361.53, 361.54 and 361.57 of title 34 of the Code of Federal Regulations; and part 35.104 of title 28 of the Code of Federal Regulations.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

This rulemaking action adds a new chapter to title 9 of the California Code of Regulations to include all changes made to federal law and regulations mandated by the 2014 amendment to the Rehabilitation Act of 1973 (29 U.S.C. section 701 et seq.) specific to pre-employment transition services.

The Rehabilitation Act of 1973, as amended, (29 U.S.C. section 701 et seq.) and implementing federal regulations (34 C.F.R. section 361 et seq.) govern the state's vocational rehabilitation program for individuals with disabilities, which is administered by the Department, as the designated state unit in California. (29 U.S.C. section 721(a)(20), 34 C.F.R. section 361(c)(12) and (13), Welf. & Inst. Code, section 19005.1.) As such, the Department is obligated to adopt policies and procedures consistent with the federal laws and regulations governing the vocational rehabilitation program. (29 U.S.C. section 721, 34 C.F.R. section 361.4, Welf. & Inst. Code, sections 19011 and 19012.)

In 2014, at the federal level, the Workforce Innovation Opportunity Act (Pub. L. No. 113-128 (July 22, 2014)), referred to as the WIOA, was passed, making widespread changes to the service delivery method and types of vocational rehabilitation services mandated in the Rehabilitation Act of 1973 (29 U.S.C. section 701 et seq.). In 2016, the federal implementing regulations were amended by the United States Department of Education. Consequently, the state adopted the amendments made to the Rehabilitation Act of 1973 by the WIOA in Welfare and Institutions Code section 19011. The Department is adopting rules to govern the provision of pre-employment transition services.

The WIOA presented the addition of pre-employment transition services to be provided to students with disabilities statewide, including students who had not yet applied for, or been determined eligible for vocational rehabilitation services (hereinafter "potentially eligible"). The proposed regulations provide guidance for stakeholders and the public on services being offered to potentially eligible students. The proposed regulations will establish the documents that must be provided and information that must be included in the individual applications. It will also address requirements and expectations of the individual and the Department in the planning, coordination, and closure processes for the provision of pre-employment transition services.

When a state agency's proposed regulation is identical to a previously adopted or amended federal regulation, Government Code section 11346.2(c) allows the agency to make a statement to that effect and to cite where an explanation of the federal regulation can be found to satisfy the Administrative Procedures Act requirements for rulemaking. Explanations of the changes made can be found in United States Department of Education, Rehabilitation Services Administration's description of the final federal regulations implementing the WIOA released in the Federal Register (Vol. 81, No. 161, 55682-55683, August 19, 2016) available at: [Link](#).

Objective and Anticipated Benefits of the Proposed Regulation

The broad objective of this regulation is to make the state regulations consistent with current federal law and regulations. This proposed regulatory action will provide staff, applicants, consumers, and other members of the public with a single, comprehensive source of the policies and procedures that are specific to pre-employment transition services and consistent with federal law and regulation. More specifically, the proposed regulations will establish processes that allow eligible students with disabilities and potentially eligible students with disabilities to receive pre-employment transition vocational rehabilitation services from the Department.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for other regulations that would relate to or effect the state vocational rehabilitation system, the Department has concluded that these regulations are consistent with any other state regulations that concern California's vocational rehabilitation program.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states: None.

Significant effect on housing costs: None.

Small Business Determination: The proposed regulations will not affect small businesses because the proposed regulations are identical to the federal regulations already in effect.

Results of the Economic Impact Analysis and Assessment

The Department concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, (4) eliminate any existing businesses, and (5) result in the expansion of businesses currently doing business within the state. The Department bases the assessment on the fact that the rulemaking is duplicating and adopting federal regulations that have been in effect since 2016 and have had no detrimental or markedly beneficial economic impact since that time.

Benefits of the Proposed Action: The proposed regulations will benefit the health and welfare of California residents by making the state regulations consistent with federal laws and regulations on the topic which expand the

vocational services under federal and state law to students as they transition from high school.

The proposed regulations are not expected to affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative is considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to any affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Rehabilitation
Office of Legal Affairs and Regulations
Attention: Michele Welz, Regulations Analyst
721 Capitol Mall
Sacramento, California 95814
Telephone: (916) 558-5825
Email: Legal@dor.ca.gov

The backup contact person for these inquiries is:

Daisy Hughes, Attorney IV
Department of Rehabilitation
Office of Legal Affairs and Regulations
721 Capitol Mall
Sacramento, California 95814

Phone: (916) 558-5825
Email: Legal@dor.ca.gov.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, Proposed Text of the Regulations, and Initial Statement of Reasons. Please direct requests for copies to the contact person(s) listed above. Please contact Legal@dor.ca.gov or (916) 558-5825 if you wish to make an appointment to review the rulemaking file in person. The documents identified above in the rulemaking file are also on the Department's website at www.dor.ca.gov/Home/ProposedRulemakingandRegs. The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Michele Welz at the address or email indicated above. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Michele Welz at the address or email above.

REASONABLE ACCOMMODATION STATEMENT

The Department shall provide, upon request, a narrative description of the proposed changes included in the proposed action, in the manner provided by Government Code section 11346.6, to accommodate a person with a

visual or other disability for which effective communication is required under state or federal law. Providing the description of proposed changes may require extending the period of public comment for the proposed action for the requesting party.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Proposed Text of the Regulations, and the Initial Statement of Reasons are available on the Department's website at

www.dor.ca.gov/Home/ProposedRulemakingandRegs.