

Dear Senators MORTIMER, Thayn, Buckner-Webb, and  
Representatives VANORDEN, McDonald, Kloc:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of  
the Vocational Rehabilitation:

IDAPA 47.01.01 - Rules of the Idaho Division of Vocational Rehabilitation - Proposed Rule (Docket  
No. 47-0101-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/03/2017. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/05/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

---

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

**FROM:** Senior Legislative Research Analyst - Elizabeth Bowen

**DATE:** October 17, 2017

**SUBJECT:** Vocational Rehabilitation

IDAPA 47.01.01 - Rules of the Idaho Division of Vocational Rehabilitation - Proposed Rule (Docket No. 47-0101-1701)

The State Board of Education submits notice of proposed rulemaking at IDAPA 47.01.01.

The proposed rule revises an incorporation by reference to include the most recent version of the Idaho Division of Vocational Rehabilitation Field Services Policy Manual, approved August 10, 2017. Negotiated rulemaking was conducted, and there is no anticipated negative fiscal impact on the state general fund. The Board states that this rulemaking is authorized pursuant to Section 33-2303, Idaho Code.

cc: Vocational Rehabilitation  
Tracie Bent

## **IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION**

### **47.01.01 – RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION**

**DOCKET NO. 47-0101-1701**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-221 and 33-2303, Idaho Code, and the Rehabilitation Act of 1973 and all subsequent amendments and the Workforce Innovation and Opportunity Act.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Proposed amendments make technical amendment and improvements to this section and amends the Division of Vocational Rehabilitation's Field Services Policy Manual, incorporated by reference, to further align the program's policies with the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128. Furthermore, the Division is proposing substantive changes specifically to the Supported Employment and Transition Services policies to be in alignment with WIOA. WIOA requires Vocational Rehabilitation to provide pre-employment transition services to students and youth with disabilities as well as extended services to youth with disabilities who do not immediately have funding for such services, up to a specified period of time.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 3, 2017 Idaho Administrative Bulletin, [Vol. 17-5, Page 80](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: The Idaho Division of Vocational Rehabilitation Field Service Manual is incorporated by reference due to the size and complexity of the manual.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Tracie Bent at (208) 332-1582, or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov). Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017.

Tracie Bent, Chief Planning & Policy Officer  
State Board of Education  
650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037  
Tel: (208) 332-1582 / Fax: (208) 334-2632

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 47-0101-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

**01. General.** Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (3-30-01)

**a.** All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)

**b.** Idaho Division of Vocational Rehabilitation Field Services Policy Manual, approved August 1~~4~~<sup>0</sup>, 201~~6~~<sup>7</sup>, available for review on the website at <http://www.vr.idaho.gov/>. (~~3-29-17~~)(    )

**c.** Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128. (3-29-17)

**d.** Federal Register, Department of Education, 34 CFR Parts 361, 363, and 397. (3-29-17)

**e.** The Rehabilitation Act of 1973, as amended. (2-17-09)

**03. Availability of Reference Material.** Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.02. (2-17-09)

## **INCORPORATION BY REFERENCE SYNOPSIS**

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

***State Board of Education***  
***IDAPA 47.01.01 - Rules of the Idaho Division of Vocational Rehabilitation***  
***Proposed Rulemaking - Docket No. 47-0101-1701***

The proposed rule would amend the Division of Vocational Rehabilitation Field Services Policy Manual. Amendments would align language with changes to the Rehabilitation Act of 1973 due to the Workforce Innovation and Opportunity Act of 2014. In addition to technical changes that have been identified for amendment the section regarding “Supported Employment and Transition Services” must be amended. Additional amendments may be identified and incorporated as part of the negotiated rulemaking process.