

**North Dakota Division of Vocational Rehabilitation
NPRM Comments**

**Docket ETA-2015-0002
Department of Education
34 CFR Parts 361 and 463**

Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-stop System Joint Provisions; Notice of Proposed Rulemaking

1. Proposed 677.150(c) Comment on the costs and benefits of taking a program-exit approach or a common exit approach in defining “exit”.

In a common exit approach, the measurement is supposed to be the same, yet programs have different criteria to define the exit. Huge costs would have to be incurred if required to implement a common exit approach. Interfaces would need to be built because Vocational Rehabilitation (VR) does not know when others exit the program. Also, additional man hours would be required to track other program exit dates. We do not see a benefit to the common exit approach and our preference is the program-exit approach.

Your Comment Tracking Number: [1jz-8jdo-flbf](#)

Your comment may be viewable on Regulations.gov once the agency has reviewed it. This process is dependent on agency public submission policies/procedures and processing times. Use your tracking number to find out the status of your comment.

2. Proposed 677.155(a)(1)(v) Comment on documenting the progression during participation in an education or training program in a standardized way.

This is viewed as being cost prohibitive due to the additional man hours needed and there is no discernable benefit. For VR, many individuals have the same education level at case closure as they do when the case is open. VR’s goal is assist individual’s gain employment that is consistent with their informed choice. Many such individuals seek VR service to maintain their current occupation.

Your Comment Tracking Number: [1jz-8jdo-w7ds](#)

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3. 361.175 Comment on the use of social security numbers from participants and such other information as is necessary to measure the progress of those participants through quarterly wage records. Currently, we are not allowed to require the reporting of an SSN and we do not receive employment records for self-employment. We would either have to change the requirement to require the SSN or we would have to exclude cases that are missing SSNs or self-employed.

Your Comment Tracking Number: **1jz-8jdo-pwwq**

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**Docket ED-2015-OSERS-0001
Department of Education
34 CFR Parts 361, 363, and 397**

State Vocational Rehabilitation Services program; State Supported Employment Services program; Limitations on Use of Subminimum Wage

1. 361.18(d)(1)(i) proposes to delete those provisions that are no longer applicable given statutory changes, such as those related to steps the State will take when personnel do not meet the highest standard in a State.

We would like to ensure the State will continue to have the authority to require the highest standard in order to continue to provide high quality services.

We have seen and understand the positive impacts to consumers whose services are provided by highly-knowledgeable and skilled vocational rehabilitation counselors. We implore you to amend these proposed rules to uphold knowledge and skill requirements that are based on decades of empirical research.

Your Comment Tracking Number: [1jz-8jdo-6caj](#)

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2. Seeking clarification in the definition of the age of a student with a disability. Language states 'no older than 21'. Does this mean up to age 21 or through age 21, the day before their 22nd birthday? IDEA states through age 21. In our state, if an individual turns 21 while they are still in school, they continue. If they will turn 22 during the school year, they are not allowed to start.

In addition, we are seeking clarification on individuals working on their GED. Do they meet the definition of a student if they are no longer in school, yet working on their GED.

Your Comment Tracking Number: [1jz-8jdo-zglt](#)

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3. We recommend not limiting PETS to IEP/504 students. We need to include students with hearing impairments, diabetes, at-risk students, home schooled youth, adjudicated youth, etc. An alternative suggestion to the definition of potentially eligible could be as follows:

Students with disabilities including,

- Students with physical, sensory, intellectual, and mental health disabilities,
- Students on IEP or 504, and
- Students who's disability will likely be a substantial impediment to employment,
- Students who will likely require VR services to obtain and maintain employment.

Your Comment Tracking Number: [1jz-8jdo-x9jn](#)

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4. Seeking clarification on when you can provide the 'other' authorized services. Language states if funds are available and remaining after the provision of the required pre-employment transition activities. What is required to show you have provided the required activities?

Your Comment Tracking Number: [1jz-8jdo-ek9f](#)

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5. We disagree with the proposal to remove the option to use extended evaluations, as a limited exception to trial work experiences, to explore an individual's abilities, capabilities, and capacity to perform work in situations, therefore requiring the IPE for each individual to be developed within 90 days. Our state is so rural, there will be limited employers willing to do an initial trial work eval, much less multiple evals on multiple individuals.

Your Comment Tracking Number: [1jz-8jdo-y864](#)

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6. With the 50% SEP reserved funds, States may provide extended services, for a period up to four years, to youth with the most significant disabilities.

Seeking clarification on the four year period. If the youth turns 25 before the four years are up, do the extended services funded by VR have to cease or can they continue up to the four years?

What happens after the individual has exhausted their 4 year time slot and there are waiting lists for extended services. Our extended service providers (mental health and developmental disabilities) are unable to guarantee the funding beyond the current biennium.

Your Comment Tracking Number: [1jz-8jdo-8jwj](#)

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Docket ED-2015-OSERS-0002

Department of Education

34 CFR Parts 367, 369, 370, 371, 373, 376, 377, 379, 381, 385, 386, 387, 388, 389, 390, and 396

Workforce Innovation and Opportunity Act, Miscellaneous Program Changes

1. In support of the change to Long Term Training Program (34 CFR Part 386) reducing the required percentage of the total award that grantees must spend on financial assistance to scholars from 75% to 65%. This will allow for better tracking.

Your Comment Tracking Number: **1jz-8jdo-naot**

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2. Seeking clarification of the Independent Living Services for Older Individuals Who are Blind program, specifically section 367.3 – activities the DSA may use funds for. Item (10) identifies Other IL services. If these services are optional, there are no concerns, however if these services are required of the Vision Rehabilitation Specialists (VRS), this is a concern for the following reasons:
 - This would be a duplication of service if our staff are expected to provide these services to our clients as they are currently being provided by the CILs.
 - Our VRS are not qualified to teach/provide these services and would require extensive training to do so.
 - Several of our VRS already feel they are not able to provide quality services because they are stretched too thin. This would take valuable time away from them to provide vision services to our clients.

Your Comment Tracking Number: **1jz-8jdo-g8v3**

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