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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department for Aging and Rehabilitation Services
<b>Virginia Administrative Code (VAC) citation(s)</b>	22VAC30-20
<b>Regulation title(s)</b>	Provision of Vocational Rehabilitation Services
<b>Action title</b>	Making VR Regulations Conform to WIOA
<b>Final agency action date</b>	April 23, 2018
<b>Date this document prepared</b>	April 23, 2018

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The proposed amendments will bring the existing regulation into conformity with the federal regulations for the *Workforce Innovation and Opportunity Act* (WIOA). Title IV of WIOA amended title I of the Rehabilitation Act of 1973 (29 USC § 701 et seq.). These amendments provide for reemployment transition services for students with disabilities, which will help these students begin preparing for employment at a younger age. An applicant for vocational rehabilitation services must receive a period of trial work experiences before his vocational rehabilitation case is closed because the individual's disability is too severe to benefit from services in terms of a vocational outcome. These amendments no longer will allow the case of a vocational rehabilitation recipient to be closed as successful if the recipient is earning less than

the prevailing wage for his employment. The amendments also require that an individual obtain competitive integrated employment before his vocational rehabilitation case can be closed as successfully employed. In addition, the amendments require that persons with disabilities receive vocational counseling before they can be employed in positions earning less than minimum wage.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On April 23, 2018, the Department for Aging and Rehabilitative Services adopted these amendments to 22VAC30-20, Provision of Vocational Rehabilitation Services.

### Family impact

*Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed changes to this regulation will have no negative impact on the institution of the family. The positive impact of this regulatory action is to remove outdated rules and ensure that the rules conform to current federal regulations for WIOA. This regulation does not impact the authority and rights of parents in the education of their children. It will encourage the economic self-sufficiency and personal responsibility of persons with disabilities by helping them to achieve or retain competitive integrated employment. Having such employment will encourage the economic self-sufficiency of the individual and increase the disposable income of the family.