NEBRASKA
DEPARTMENT OF EDUCATION

www.education.ne.gov
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509-4987
TEL 402.471.2295
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FILED
JUN 14 2017
SECRETARY OF STATE

June 14, 2017

Rules and Regulations Officer
Office of the Secretary of State
State Capitol Building, Room 2300
Lincoln, NE 68509

Dear Rules and Regulations Officer:

The Department of Education will be conducting a consecutive rule-making hearing on Wednesday, July 19, 2017, commencing at 1:00 p.m. (CT) on proposed revisions to Title 92, Nebraska Administrative Code, Chapter 71 (Rule 71) *Procedures for Formal Review of Vocational Rehabilitation Determinations* and Title 92, Nebraska Administrative Code, Chapter 72 (Rule 72) *Cost Sharing and Cost Containment Rules for Vocational Rehabilitation Services.* Testimony will be received at the Nebraska State Office Building, Nebraska Department of Education, 6th floor, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, NE.

A fiscal impact statement for each Rule is attached.

Please use the following as the One line Description for Online Rules Tracking:

Title 92, Nebraska Administrative Code, Chapter 71, *Procedures for Formal Review of Vocational Rehabilitation Determinations*

Title 92, Nebraska Administrative Code, Chapter 72, *Cost Sharing and Cost Containment for Vocational Rehabilitation*

Please enable the online comments for this rule change. The E-Mail address for the submission of online comments shall be: nderulehearing@nde.ne.gov

Enclosed is a copy of a hearing draft for the Rules and the legal notice, which will be published in the Omaha World Herald on June 15, 2017.

Sincerely,

Brenda L. Wid

BRENDA L. WID
Office Associate IV

Enclosures

cc: Matthew L. Blomstedt, Ph.D., Commissioner
Executive Board of the Legislative Council w/enc.
Rule Docket File w/enc.
Sara Hulac
Mark Schultz
Vicki Rasmussen
Leslie Donley w/enc.

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DATE: June 14, 2017

TO: Pete Ricketts
Governor of Nebraska

FROM: Matthew L. Blomstedt, Ph.D.
Commissioner of Education

RE: Proposed revisions to Title 92, Nebraska Administrative Code, Chapter 71 (Rule 71)
Procedures for Formal Review of Vocational Rehabilitation Determinations

Attached for your review is a copy of Title 92, Nebraska Administrative Code, Chapter 71. This proposed Hearing Draft was approved by the Commissioner on June 6, 2017. A public hearing is scheduled for Wednesday, July 19, 2017 at 1:00 p.m. in the State Board Meeting Room at the Nebraska Department of Education, Nebraska State Office Building, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509.

PURSUANT TO SECTION 84-907.9, THE FOLLOWING INFORMATION IS PROVIDED:

A. A DESCRIPTION OF THE PROPOSED RULE AND THE ENTITY OR ENTITIES IT WILL IMPACT.

Chapter 71 provides procedures for the formal review of written determinations by Vocational Rehabilitation (VR) personnel concerning the provision of VR services. This Rule is intended to implement the requirements of 29 U.S.C. 701 et seq., 34 CFR Part 361 et seq, Neb. Rev. Stat. Sections 79-11,121 to 79-11,132 and the Nebraska Administrative Procedures Act.

B. AN EXPLANATION OF THE NECESSITY OF THE PROPOSED RULE, INCLUDINGTHE IDENTIFICATION OF THE AUTHORIZING STATUTE OR LEGISLATIVE BILL.

The proposed revisions to Chapter 71 (92 NAC 71) incorporates changes to the Rehabilitation Act of 1973 as amended by Title IV of Workforce Innovation Opportunity Act (WIOA) and the implementation of Federal regulations. There are other technical revisions to provide further clarification/definition to process and procedures.

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C. A STATEMENT THAT THE PROPOSED RULE IS CONSISTENT WITH LEGISLATIVE INTENT.

The proposed rule is consistent with legislative intent. See A above.

D. A STATEMENT INDICATING WHETHER THE PROPOSED RULE IS THE RESULT OF A STATE MANDATE ON A LOCAL GOVERNMENTAL SUBDIVISION AND IF THE MANDATE IS FUNDED.

The proposed rule is not the result of a state mandate on state or local government.

E. A STATEMENT INDICATING IF THE PROPOSED RULE IS THE RESULT OF A FEDERAL MANDATE ON STATE GOVERNMENT OR ON A LOCAL GOVERNMENTAL SUBDIVISION AN IF THE MANDATE IS FUNDED.

The proposed rule is not the result of a federal mandate on state or local government.

F. A DESCRIPTION, INCLUDING AN ESTIMATED QUANTIFICATION, OF THE FISCAL IMPACT ON STATE AGENCIES, POLITICAL SUBDIVISIONS, AND REGULATED PERSONS.

Please see the attached fiscal impact statement.

G. A STATEMENT THAT THE AGENCY WILL SOLICIT PUBLIC COMMENT ON THE PROPOSED RULE BEFORE THE PUBLIC HEARING.

A public hearing for the proposed revisions to Chapter 71 is scheduled for Wednesday, July 19, 2017, at 1:00 p.m. in the State Board Meeting Room at the Nebraska Department of Education, Nebraska State Office Building, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509.

H. A STATEMENT INDICATING WHETHER OR NOT THE AGENCY HAS UTILIZED THE NEGOTIATED RULEMAKING PROCESS AS PROVIDED FOR IN THE NEGOTIATED RULEMAKING ACT WITH RESPECT TO THE PROPOSED RULE.

The Department of Education has not utilized the negotiated rulemaking process as provided for in the Negotiated Rulemaking Act with respect to the proposed rule.

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FISCAL IMPACT STATEMENT

Agency:	Nebraska Department of Education
Prepared by:	Victoria Rasmussen
Date Prepared:	April 26, 2016
Phone:	471-402-6320
Title:	92 Nebraska Administrative Code
Chapter:	71
Name:	Procedures for Formal Review of Vocational Rehabilitation Determinations
Statement Status:	Hearing Draft

Type of Fiscal Impact:

	State Agency	Political Subdivision	Regulated Public
No Fiscal Impact	X	X	X
Increase Costs	$650		
Decrease Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

Description of Impact:

State Agency: For publishing public notice and printing rules and distribution.

Political Subdivision:

Regulated Public:

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Ad Number	Ad Type	Production Method	Pick Up	External Ad Number
0002032826-01	Liner Semi Display	AdBooker		

Ad Size	Color
2 X 77 li	B&W

WYSIWYG Content

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

NOTICE OF RULE-MAKING HEARING NEBRASKA DEPARTMENT OF EDUCATION

NOTICE is hereby given that the Department of Education will hold a consecutive rule-making hearing on Wednesday, July 19, 2017 commencing at 1:00 p.m. (CT) at the Nebraska State Office Building, Nebraska Department of Education, State Board Meeting Room, 301 Centennial Mall South, Sixth Floor, Lincoln, Nebraska 68509.

The PURPOSE of these hearings are to take testimony and evidence concerning revisions to Title 92, Nebraska Administrative Code, Chapter 71 (Rule 71) Procedures for Formal Review of Vocational Rehabilitation Determinations and Title 92, Nebraska Administrative Code, Chapter 72 (Rule 72) Cost Sharing and Cost Containment Rules for Vocational Rehabilitation Services.

The proposed revisions to Rule 71 incorporates changes to the Rehabilitation Act of 1973 as amended by Title IV of Workforce Innovation Opportunity Act (WIOA) and the implementation of Federal regulations. There are other technical revisions to provide further clarificat ion/definition to process and procedures.

The proposed revisions to Rule 72 bring up--to-date regulated fees and services provided to Vocational Rehabilitation consumers, simplifies processes, and promotes increased self--determination, choice, and personal responsibility.

The FISCAL IMPACT statement for each Rule may be obtained and inspected at the Office of the Nebraska Department of Education.

These hearing is being conducted under the provisions of Section 84-907 R.R.S., 1943, which provides that DRAFT COPIES OF THE PROPOSED RULES ARE AVAILABLE for public examination at the Nebraska Department of Education and at the Office of the Secretary of State, State Capitol Building, Lincoln, Nebraska. A copy of the hearing draft for these Rules are also available on the Nebraska Department of Education's webpage at: https://www.education.ne.gov/Legal/hearingdrafts.html

All INTERESTED PERSONS are invited to ATTEND and TESTIFY at the location of the hearing. If reasonable accommodations are needed, please contact Vocational Rehabilitation at 402-471-3649 at least five days prior to the hearing. Interested persons may also submit written comments to the Nebraska Department of Education prior to the hearing, and those comments will be made a part of the hearing record at the time of the hearing.

Dated at Lincoln, Nebraska this 15th day of June, 2017.

Nebraska Department of Education
Matthew L. Blomstedt, Ph.D.
Commissioner of Education

Product	Placement	First Date	Last Date	Insertions	Subtotal
OWH	Public Notices	06/15/2017	06/15/2017	1	582.12

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