

Note: Upload completed document to the Electronic Rule Filing System.

Hearing Date: 2/2/2021

Today's Date: 2/24/2021

Agency: Opportunities for Ohioans with Disabilities

Rule Number(s): 3304-2-54, 3304-2-56, 3304-2-58, 3304-2-59

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Disability Rights Ohio - Alison McKay, 3304-2-54, -56, -58, and -59
2. Ohio Association of Goodwill Industries – Emily Turner, 3304-2-54, -56, -58, and -59
3. Goodwill of South Central Ohio - Cana Horner, general comments
4. Click here to enter text.
5. Click here to enter text.
6. Click here to enter text.
7. Click here to enter text.
8. Click here to enter text.
9. Click here to enter text.
10. Click here to enter text.
11. Click here to enter text.
12. Click here to enter text.
13. Click here to enter text.
14. Click here to enter text.
15. Click here to enter text.
16. Click here to enter text.

Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

General Comments:

1. The public notice did not contain an email address for where to submit public comments.
2. The rules incorporate the Code of Federal Regulations and the Ohio Revised Code by reference instead of re-writing those provisions into the rule.
3. Alleges OOD did not engage with the public and interested parties prior to proposing these rules.

3304-2-54:

1. Concerned Section D conflicts with 34 CFR 361.43 on ineligibility determinations.
2. Concerned Section F does not ensure individuals will be notified by other appropriate modes of communication pursuant to 34 CFR 361.43(b).
3. Concerned the rule does not cross-reference the Workforce Innovation and Opportunity Act.

3304-2-56:

1. Concerned Section C phrase "in any way binding on the parties" is vague.

3304-2-58:

1. Concerned OOD has restricted the available training services available pursuant to 34 CFR 361.48.
2. Concerned the rule does not cross-reference the Workforce Innovation and Opportunity Act.

3304-2-59:

1. Concerned Section B phrase "as OOD determines is appropriate" exceeds OOD's authority to act.
2. Concerned with the list of prohibited purchases in Sections D through F.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s).
If no comments were incorporated, explain why not.

General Comments:

1. The notice of public hearing contained the mailing address and e-mail address where to get the rules and submit public comments – ood.administrativerules@ood.ohio.gov.
2. OOD followed the Legislative Service Commission Rule Drafting Manual for external cross-references to the Ohio Revised Code and the Code of Federal Regulations.
3. OOD requested input on these rules from 5,871 individuals and organizations as well as the OOD Council.

3304-2-54:

1. This rule concerns eligibility determinations made pursuant to 34 CFR 361.42, not ineligibility determinations made pursuant to 34 CFR 361.43. Section D of this rule is required by 34 CFR 361.42(a)(4). OOD agrees to add the core eligibility standards and cross reference ineligibility determination procedures required by 34 CFR 361.43.
2. Section F of this rule does provide for the applicant to receive written notice in the appropriate mode of communication the applicant prefers. OOD agrees to revise the notice to be more clear and cross reference ineligibility determination procedures required by 34 CFR 361.43.
3. OOD agrees to cross-reference the Workforce Innovation and Opportunity Act.

3304-2-56:

1. This language is clear in that an Individualized Plan for Employment (IPE) is not a contract or in any way binding on the parties. The IPE is required to be developed in accordance with 34 CFR 361.46. OOD agreed to add annual reviews and amendments back into the rule to address cross-referencing concerns.

3304-2-58

1. While “training” is not limited as described in this rule, OOD agree to cross-reference 34 CFR 361.48(b)(6) into Section B of this rule. OOD further agrees to change the title of the rule and streamline the content to avoid confusion over the type of training addressed by this rule.
2. OOD agrees to cross-reference the Workforce Innovation and Opportunity Act.

3304-2-59:

1. OOD is charged with operating a statewide comprehensive, coordinated, effective, efficient, and accountable vocational rehabilitation program. 34 CFR 361.1. OOD’s licensed counselors must exercise professional judgment in determining what services are appropriate for an individual with a disability. OOD agrees to add the list of services contained in 34 CFR 361.48.
2. There are items OOD shall not purchase as violations of state and federal law, and maintain compliance with state and federal funding restrictions. OOD is charged with operating an accountable vocational rehabilitation program. 34 CFR 361.1. OOD is being transparent in the items it shall not purchase. OOD agrees to list the VR services available to an individual in response to the cross-referencing comments.