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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: April 4, 2014

ACTION: R280-150 *Adjudicative Proceedings Under the Vocational Rehabilitation Act* (Continuation and Amendment)

Background:

1. R280-150 *Adjudicative Proceedings Under the Vocational Rehabilitation Act* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire. Staff has reviewed R280-150 and determined that the rule continues to be necessary.
2. R280-150 *Adjudicative Proceedings Under the Vocational Rehabilitation Act* is amended to correct and update citations.

Key Points:

1. R280-150 continues to be necessary because it specifies how adjudicative proceedings are conducted under the Vocational Rehabilitation Act.
2. One citation is corrected and one citation is updated.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R280-150 for continuation on first reading, and if approved by the Committee, the Board consider approving R280-150 for continuation on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R280-150, as amended, on first reading, and if approved by the Committee, the Board consider approving R280-150, as amended, on second reading.

Contact: Russ Thelin, 801-538-7540

1 **R280. Education, Rehabilitation.**

2 **R280-150. Adjudicative Proceedings Under the Vocational**
3 **Rehabilitation Act.**

4 **R280-150-1. Definitions.**

5 "Board" means the Utah State Board of Education.

6 **R280-150-2. Authority and Purpose.**

7 A. This rule is authorized by 53A-24-103 which places the
8 Utah State Office of Rehabilitation under the policy direction
9 of the Board and under the direction and general supervision
10 of the Superintendent of Public Instruction, and Section 53A-
11 1-401(3) which allows the Board to adopt rules in accordance
12 with its responsibilities.

13 B. The purpose of this rule is to specify standards and
14 procedures for adjudication of disputes under the Vocational
15 Rehabilitation Act.

16 **R280-150-3. Standards and Procedures.**

17 A. As its rules for adjudicative proceedings under the
18 Vocational Rehabilitation Act, the Board adopts and hereby
19 incorporates by reference: 34 C.F.R. 361.57, 200[7]1 edition,
20 which adopts, defines, and publishes procedures for review of
21 state rehabilitation service decisions, including alternative
22 dispute resolution through mediation; and

23 B. The Board shall act in accordance with:

24 (1) Subsection V of the Rehabilitation Act of 1973, 29
25 U.S.C.A. 794; and

26 (2) The Utah State Office of Rehabilitation Case Service
27 Manual, Chapter 21, approved on May [9, 2008]1, 2012.

28 **KEY: administrative procedures, rules and procedures**

29 **Date of Enactment or Last Substantive Amendment: [October 8,**
30 **2008]2014**

31 Notice of Continuation: [~~July 23, 2009~~]2014
32 Authorizing, and Implemented or Interpreted Law: 53A-24-103;
33 53A-1-401(3)