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## Your right to appeal

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You have the right to appeal any time you do not agree with a decision about your case made by your counselor or by anyone else in the Missouri Division of Vocational Rehabilitation (VR). For example, if you are told you are not eligible for VR services, you may appeal that decision. If you do not agree with the Individualized Plan for Employment (IPE) your counselor makes with you, you may appeal. Also, if your counselor wants to change your IPE and you do not agree with the change, you may appeal.

First, tell your counselor you do not agree with what is being done. If the counselor explains the reason for the decision and you still do not agree, you may request to speak with the supervisor or regional manager of the VR district office that is handling your case.

You may also request a due process hearing at any time. A due process hearing is a formal procedure that settles disputes regarding services and/or the IPE. Hearings will be held within 60 days of the request. Requests should be made by contacting the coordinator of Development and Consumer Affairs at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov).

You also have the right to request mediation on the issue or to contact the Client Assistance Program (CAP) for help. If you wish to pursue mediation, contact the coordinator of Development and Consumer Affairs at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov).

### Client Assistance Program

Missouri Protection and Advocacy Services operates a program that could be of interest and help to you throughout the rehabilitation process. CAP provides several services including assistance with legal, administrative and other measures to protect your rights under the Rehabilitation Act of 1973. CAP can also provide information about other agencies and programs in Missouri that offer rehabilitation services to people with disabilities. You can contact CAP at:

Missouri Protection and Advocacy Services  
925 S. Country Club Drive  
Jefferson City, MO 65109-0352  
Toll-free: (800) 392-8667

### Due process hearings:

- rule on disputes regarding the provision of services and/or the IPE.
- may be scheduled with or instead of mediation.
- are offered free of charge to you.

### *Appointment of a hearing officer*

VR maintains a list of qualified impartial hearing officers. VR will randomly select an impartial hearing officer; confirm the appointment; notify the parties of the time, date and location; and schedule a court reporter.

### *The impartial hearing officer*

An impartial hearing officer is a neutral third party who is knowledgeable about the VR process and related laws. The impartial hearing officer:

- informs the parties about the due process hearing proceedings.
- presides over the hearing.
- swears in all participants of the hearing.
- ensures that each party is heard.
- issues a written decision on the matter.

### *Preparing for the due process hearing*

- Set aside adequate time to participate in the hearing.
- Discuss the issue fully with the district supervisor and VR counselor.
- Be familiar with all documents related to the dispute including the IPE.

- Organize your information and materials, and feel free to bring any documents to the hearing.
- Seek assistance from CAP prior to scheduling a date for the hearing.

### ***The due process hearing***

The hearing will proceed as follows:

1. Introduction: The impartial hearing officer will introduce all participants, explain the process and swear in each participant.
2. Identification of positions: Participants will have an opportunity to state their positions on the matter and call witnesses.
3. The impartial hearing officer will issue a written decision on the dispute within 30 days of the hearing.
4. All hearing proceedings are documented by a court reporter.

### ***Due process hearing policies***

1. Disagreements regarding provisions of VR services are appropriate for due process hearings.
2. All proceedings of a due process hearing shall be conducted in accordance with the Missouri Revised Statutes, Chapter 536.
3. A written copy of the decision will be provided to each party within 30 days of the completion of the hearing.
4. VR will not close your file pending the decision from the impartial hearing officer unless you request the file to be closed.
5. Within 20 days of the impartial hearing officer's decision, either party may request an appeal of the decision to the Commissioner of Education for an administrative review.
6. Any party who disagrees with the findings of the impartial hearing officer or the administrative review process has the right to bring a civil action with respect to the dispute.

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## **Mediation in Missouri**

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If a dispute occurs between you and VR regarding vocational rehabilitation services, mediation services may be requested. Mediation is a structured, informal and voluntary process in which an impartial, third-party mediator helps individuals who are experiencing conflict with VR to reach a suitable agreement.

If both parties agree on a mediation request, a session with a professional mediator will be scheduled within 60 days of the request unless the parties agree to a specific extension of time.

### ***The VR mediation process is:***

- voluntary for both you and VR.
- confidential, thus encouraging all participants to speak freely.
- offered at no cost to you.

The mediation process does not affect the status of a due process hearing or a formal complaint. Mediation may be scheduled with or instead of a due process hearing.

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## **Answers to your questions**

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For more information on due process hearings or mediation, contact:

Coordinator of Development and  
Consumer Affairs  
Missouri Division of  
Vocational Rehabilitation  
3024 Dupont Circle  
Jefferson City, MO 65109-6188  
Phone: (573) 751-3251  
Toll-free: (877) 222-8963  
TTY: (573) 751-0881  
Fax: (573) 751-1441  
E-mail: [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov)  
Web site: <http://vr.dese.mo.gov>



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