

**CONSIDERATION OF A NOTICE OF PROPOSED RULEMAKING TO AMEND  
RULE 5 CSR 20-500.170, RELATING TO APPEALS**

**STATUTORY AUTHORITY:**

Section 178.590 – 178.620, RSMo; Section  
161.092, RSMo

Consent  
Item

Action  
Item

Report  
Item

**DEPARTMENT GOAL NO. 4:**

The Missouri Department of Elementary and Secondary Education will improve departmental efficiency and operational effectiveness.

**SUMMARY:**

The proposed amendment updates the rule relating to vocational rehabilitation (VR) applicant or eligible individual appeals. The proposed change states that an applicant or eligible individual will be informed of their right to appeal through a due process hearing or mediation if they are determined to be ineligible for VR services, when their Individual Plan for Employment is executed, or if there is a reduction, suspension or cessation of services. The amendment also states that the applicant or eligible individual will be informed in writing about the Client Assistance Program. It also removes the term Division from vocational rehabilitation.

**PRESENTER(S):**

Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, will assist with the presentation and discussion of this item.

**RECOMMENDATION:**

The Department recommends that the State Board of Education authorize publication in the *Missouri Register* the proposed amendments of 5 CSR 20-500.170 relating to appeals in the provision of Vocational Rehabilitation Services.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**Division 20—Division of Learning Services**  
**Chapter 500—Office of Adult Learning and Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.170 Appeals.** The State Board of Education is amending the purpose and sections (1) – (4).

*PURPOSE:* This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity.

*PURPOSE:* This rule establishes the procedures for appeal by an applicant or eligible individual dissatisfied with a determination made regarding the provision of services by the [Division of Vocational Rehabilitation] **Office of Adult Learning and Rehabilitation Services**, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, **29 USC § 701 et. seq. and the Code of Federal Regulations, 34 CFR § 361.57.**

(1) [When an applicant or eligible individual signs an application, is determined ineligible for services, the Individualized Plan for Employment (IPE) is developed or executed, or upon reduction, suspension, or cessation of vocational rehabilitation services, the applicant or eligible client will be apprised of their rights to a due process hearing and/or mediation] **An applicant or eligible individual will be informed of their right to a due process hearing and/or mediation if they are determined ineligible for services, when the Individualized Plan for Employment (IPE) is executed or if there is a reduction, suspension, or cessation of vocational rehabilitation (VR) services.**

(2) [When] **If** an applicant or eligible individual is dissatisfied with any determination made by [the Division of Vocational Rehabilitation (DVR)] **VR** regarding the provision of services, the applicant or eligible individual may request [under the rules promulgated by the State Board of Education,] **an** informal review, a due process hearing, or mediation.

(3) When an applicant or eligible individual is dissatisfied with any determination made by [D] **VR** regarding the provision of services, the applicant or eligible individual will be [given information] **informed in writing** about the [C] client [A] assistance [P] program.

(4) [Division of Vocational Rehabilitation] **VR** will not suspend, reduce, or terminate services provided to an eligible client under an existing IPE pending a decision from **an** informal review, **a** due process hearing, or **a** written mediation agreement, unless the eligible individual or [their] **the individual's** representative requests in writing that services be suspended, reduced, or terminated.

*AUTHORITY:* sections 161.092, **RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994]2000.** This rule previously filed as 5 CSR 90-4.400. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.170, effective Aug. 16, 2011.

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*