

**MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:****APRIL 2014**

CONSIDERATION OF AN ORDER OF RULEMAKING TO AMEND  
RULE 5 CSR 20-500.190, RELATING TO DUE PROCESS HEARING

**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:**

On January 14, 2014, the State Board of Education approved a notice of proposed rulemaking to amend 5 CSR 20-500.190, relating to due process hearing. The notice of the proposed rulemaking was published in the March 3, 2014 edition of the *Missouri Register* for comment. No comments were received by Vocational Rehabilitation (VR) during the 30-day comment period. The proposed amendment updates the rule relating to the Vocational Rehabilitation (VR) applicant's or eligible individual's right to request a due process hearing. The proposed amendment changes the term "coordinator" to "consumer affairs office." It also adds the terms "applicant" and "eligible individual" and the word "impartial" to hearing officer. It states that the impartial hearing officer's decision will include findings of facts and conclusions of law and indicates that the commissioner may not delegate a review of the hearing officer's written decision to VR staff. It also changes Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services.

**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* of the order of rulemaking to amend 5 CSR 20-500.190, relating to due process hearing in the provision of VR services; and that the State Board finds this amendment necessary to carry out the purpose of Section 161.092, RSMo Supp. 2013 and Sections 178.600, 178.610, and 178.620, RSMo 2000.

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

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 178.600, 178.610, and 178.620, RSMo 2000 and section 161.092, RSMo Supp. 2013, the board amends a rule as follows:

**5 CSR 20-500.190 Due Process Hearing is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2014 (39 MoReg 634-635). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.