

STATE BOARD OF EDUCATION

Consent Item

January 16, 2019

SUBJECT: Amendment to Rules 6A-25.001, Federal Regulations Adopted by Reference; 6A-25.007, Individualized Plan for Employment; 6A-25.011, Division Determinations, Review Procedures; and New Rule 6A-25.020, Florida Endowment for Vocational Rehabilitation (Direct-Support Organization for Vocational Rehabilitation)

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02, Florida Statutes

EXECUTIVE SUMMARY

The Division of Vocational Rehabilitation proposes to amend its rules to incorporate amended federal regulations; to align its individualized plan for employment rule with federal regulations; to align its rule governing appeals with the controlling state rules; and to create a rule providing for oversight of the Division's Direct-Support Organization.

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Supporting Documentation Included: Proposed Rules 6A-25.001, 6A-25.007, 6A-25.011, and New Rule 6A-25.020, F.A.C.

Facilitator/Presenter: Allison Flanagan, Director, Division of Vocational Rehabilitation

6A-25.001 Incorporation Federal Regulations Adopted by Reference.

(1) The Department adopts and incorporates by reference Title 34, Code of Federal Regulations, Part 361 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00641>), effective ~~2016~~ ~~in 2011~~; Title 34, Code of Federal Regulations, Part 363 (*DOS Link*), effective 2016; Title 34, Code of Federal Regulations, Part 397 (*DOS Link*), effective 2016; and Title 45, Code of Federal Regulations, Part 1329 (*DOS Link*) effective 2016.

Rulemaking Authority 413.22 ~~4001.02~~ FS. Law Implemented 413.24 FS. History--New 5-14-12.

6A-25.007 Individualized Plan for Employment.

(1) The Individualized Plan for Employment (IPE) must be developed within 90 ~~120~~ calendar days of the eligibility determination or activation from the waiting list, whichever is later. Meeting the 90 ~~120~~ day timeframe is the mutual responsibility of the division through its counselor and the individual.

(2) If the IPE cannot be developed within 90 ~~120~~ days due to exceptional and unforeseen circumstances, the individual, or an authorized representative of the individual, and the division must agree to a specific extension of time.

(3) No Change.

(4) The IPE or IPE amendment must describe only those services necessary to assist an individual with a disability in preparing for, securing, retaining, advancing in, or regaining an employment outcome consistent with the strengths, resources, priorities, capabilities, interests, and informed choice of the individual.

Rulemaking Authority 413.22 ~~4001.02~~ FS. Law Implemented 413.24, 413.28, 413.30 FS. History--New 5-14-12.

6A-25.011 Division Determinations, Review Procedures.

(1) Administrative Review.

(a) No Change.

(b) The individual or his or her authorized representative shall have twenty-one (21) calendar days from the date of receipt of the notification of determination to inform the division in writing of his or her desire for an administrative review. ~~If the division provides the notification to the individual or authorized representative by mail, five (5) days shall be added to the prescribed period.~~ The individual may elect to bypass the administrative review and file a petition for an administrative hearing. The individual, the individual's representative or Client Assistance Program, if representing the individual, may initiate a timely request to extend the twenty-one (21) days.

(c) through (f) No Change.

(2) No Change.

(3) Administrative Hearing.

(a) No Change.

(b) The request for an administrative hearing must be made within the twenty-one (21) days after the administrative review decision is received, or if the administrative review option is bypassed by the individual, within the twenty-one (21) days after the notification of the determination of the division is received. ~~If the division provides the notification to the individual or authorized representative by mail, five (5) days shall be added to the prescribed period.~~ The request for an administrative hearing must be addressed to the Director of the division.

(c) through (e) No Change.

(4) No Change.

Rulemaking Authority 413.22 ~~4001.02~~ FS. Law Implemented 413.24, 413.28, 413.30 FS. History—New 5-14-12, Formerly 38J-1.006.

6A-25.020 Florida Endowment for Vocational Rehabilitation (Direct-Support Organization for Vocational Rehabilitation).

(1) The Direct-Support Organization (DSO) of the Division shall adopt bylaws.

(2) Bylaw provisions shall include, but are not limited to, the following:

(a) Description of the DSO, including name and purpose;

(b) Structure and organization;

(c) Prohibited activities;

(d) Board of directors, officers and committees;

(e) Meetings and quorum;

(f) Fiscal procedure; and

(g) Amendment of bylaws.

(3) The DSO's board of directors shall provide for the receipt, deposit and withdrawal of all funds consistent with the following provisions:

(a) Depository withdrawals shall be on numerically controlled checks. Checks of \$25,000.00 or less, and that are reflective of amounts allowed per the adopted budget, need one signature. For checks over \$25,000.00, two signatures are required. In both cases, signatories must be officers of the DSO's board.

(b) All funds received from all sources shall be deposited intact in a designated depository as soon as practicable and a record shall be kept to identify the payer, the amount, and the purpose. Funds received from state and federal sources shall be accounted for separately, but may be deposited in a bank account with other corporate funds except when the terms of such receipt require a separate depository account.

(4) The DSO shall submit its annual budget to the Division Director or the Division Director's designee for review no later than August 1 of each year.

Rulemaking Authority 413.615 FS. Law Implemented 413.615 FS. History--New