

STATE BOARD OF EDUCATION
Consent Item
July 17, 2017

SUBJECT: Approval of Amendment to Rule 6A-25.009, Scope of Vocational Rehabilitation Services and Repeal of Rules 6A-25.003, Informed Choice and 6A-25.010, Comparable Services and Benefits

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1001.02(1), 413.22, Florida Statutes

EXECUTIVE SUMMARY

This proposed rulemaking is the final portion of the Division of Vocational Rehabilitation's effort to support the Department of Education's rule consolidation and repeal goal. Language related to informed choice and comparable services and benefits will be relocated from the current rules 6A-25.003, F.A.C., and 6A-25.010, F.A.C., respectively, to rule 6A-25.009, F.A.C., which covers the scope of vocational rehabilitation services. The standards applied by the Division will remain the same but this will allow for the repeal of rules 6A-25.003, F.A.C., and 6A-25.010, F.A.C.

Supporting Documentation Included: Proposed Rules 6A-25.009, 6A-25.003 and 6A-25.010, F.A.C.

Facilitator: Brent McNeal, Deputy General Counsel

6A-25.003 Informed Choice.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.208, 413.24, 413.28, 413.30 FS. History--New 5-14-12, Formerly 38J-1.003, Repealed

6A-25.003 Informed Choice.

~~(1) An eligible individual may choose to receive necessary vocational rehabilitation services from any qualified or licensed provider. Where applicable, the providers of choice must be licensed by the state of Florida or appropriately accredited to perform such services.~~

~~(2) If an individual chooses a service provider outside the service area where he/she resides, the individual shall provide for his/her own transportation costs, unless no qualified provider possessing the required expertise is available or a provider in another area is within a shorter commuting distance to the individual. If the individual selects a provider out-of-state and there are qualified service providers in-state, the individual with a disability shall agree to pay the excess travel and service costs.~~

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.208, 413.24, 413.28, 413.30, 413.731 FS. History--New 5-14-12, Formerly 38J-1.003.

6A-25.009 Scope of Vocational Rehabilitation Services.

(1) through (4) No change.

(5) Informed Choice

1. An eligible individual may choose to receive necessary vocational rehabilitation services from any qualified or licensed provider. Where applicable, the providers of choice must be licensed by the state of Florida or appropriately accredited to perform such services.

2. If an individual chooses a service provider outside the service area where he/she resides, the individual shall provide for his/her own transportation costs, unless no qualified provider possessing the required expertise is available or a provider in another area is within a shorter commuting distance to the individual. If the individual selects a provider out-of-state and there are qualified service providers in-state, the individual with a disability shall agree to pay the excess travel and service costs.

(6) Comparable Services and Benefits

1. If comparable services and benefits are not available to the individual at the time needed to achieve the employment outcome identified in the Individualized Plan for Employment (IPE), or if the benefits exist but are not

available at the time needed to satisfy objectives in the IPE, the division may authorize funding directly only until comparable benefits and services become available.

2. Comparable services and benefits do not include awards and scholarships based on merit that are granted without restrictions as to their use by the individual.

3. If an eligible individual is a Social Security Administration (SSA) Ticket to Work holder whose Ticket is assigned to an Employment Network (EN), the division shall consider all goods and services referenced in the IPE to be comparable services and benefits to be purchased or provided by an EN with which the eligible individual's Ticket is assigned.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30, 413.32, 413.731 FS. History—New 5-14-12, Amended

6A-25.010 Comparable Services and Benefits.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30 FS. History—New 5-14-12, Repealed

6A-25.010 Comparable Services and Benefits.

~~(1) If comparable services and benefits are not available to the individual at the time needed to achieve the employment outcome identified in the Individualized Plan for Employment (IPE), or if the benefits exist but are not available at the time needed to satisfy objectives in the IPE, the division may authorize funding directly only until comparable benefits and services become available.~~

~~(2) Comparable services and benefits do not include awards and scholarships based on merit that are granted without restrictions as to their use by the individual.~~

~~(3) If an eligible individual is a Social Security Administration (SSA) Ticket to Work holder whose Ticket is assigned to an Employment Network (EN), the division shall consider all goods and services referenced in the IPE to be comparable services and benefits to be purchased or provided by an EN with which the eligible individual's Ticket is assigned.~~

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30 FS. History—New 5-14-12.