



Rules of
Department of Elementary and
Secondary Education
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services

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**Title 5—DEPARTMENT OF
ELEMENTARY AND
SECONDARY EDUCATION**
Division 90—Vocational Rehabilitation
**Chapter 5—Vocational Rehabilitation
Services**

5 CSR 90-5.010 Anesthesia Service
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.020 Artificial Eyes and Optical
Aids**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.030 Books and Training Mate-
rials**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.040 Braces
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.050 Business, Trade and Tech-
nical Training**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.060 Convalescent Care
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.070 Correspondence Training
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.080 Courses Requiring More
than 135 Hours for a Bachelor's Degree**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.090 Courses Requiring Train-
ing Beyond a Bachelor's Degree**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.100 Drugs and Supplies
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.110 Hearing Aids
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.120 Hospitalization
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.130 Interpreter Service for the
Deaf**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective*

*Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.140 Nurses Other Than Regis-
tered**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.150 Occupational License and
Union Membership**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.160 Occupational Therapy
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.170 Occupational Tools, Place-
ment Equipment and Initial Stocks**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

5 CSR 90-5.180 On-The-Job Training
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*

**5 CSR 90-5.190 Payment of Maintenance
and Transportation**
(Rescinded November 15, 1982)

*AUTHORITY: section 178.430, RSMo 1978.
Original rule filed Dec. 24, 1975, effective
Jan. 3, 1976. Rescinded: Filed July 23,
1982, effective Nov. 15, 1982.*



5 CSR 90-5.200 Personal Adjustment Training for Amputees
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.210 Physical Therapy
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.220 Policies and Procedures for the Purchase of Occupational Tools, Placement Equipment and Initial Stocks
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.230 Policy on Absences of Client in Training
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.240 Policy on Grades of Client in Academic Training
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.250 Psychological Testing Requirements
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.260 Registered and Practical Nurses
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.270 Scope and Adequacy of the Client's Training Program
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.280 Selection of Colleges for Academic Training and Payment Policies
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.290 Standards for the Provision of Training
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.300 Tutorial Training
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.310 Upper and Lower Extremity Prostheses
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.320 Wheelchairs
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.330 Services to Family Members
(Rescinded November 15, 1982)

AUTHORITY: section 178.430, RSMo 1978. Original rule filed March 15, 1977, effective July 1, 1977. Rescinded: Filed July 23, 1982, effective Nov. 15, 1982.

5 CSR 90-5.400 Services

PURPOSE: This rule establishes the standards for vocational rehabilitation services for the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Vocational rehabilitation services as defined in the federal act and/or applicable regulations may be provided to individuals.

(A) Financial Need.

1. The following vocational rehabilitation services as defined in the federal act and/or applicable regulations may be provided to individuals based upon financial need:

A. Physical and/or mental restoration, including but not limited to hospitalization, medical treatment, surgery, dentistry, and prosthesis;

B. Training, including tuition, fees, books, supplies, training materials and other services associated with training;

C. Maintenance;

D. Transportation;

E. Placement tools, including initial stock and supplies associated with placement;

F. Rehabilitation technology service, including assistive technology devices and services to assist the individual to achieve an employment outcome;

G. Home modification or remodeling;

H. Vehicle modification;

I. Services to family members to assist the individual to achieve an employment outcome;

J. Personal attendant services;

K. Note-taking services, not involving sign language interpretation; and/or

L. Other goods and services not listed above to assist the individual to achieve an employment outcome.



2. Financial need is based upon the individual's adjusted gross income level of the most recent tax records less unreimbursed disability related expenses as approved by the Division of Vocational Rehabilitation (DVR) and compared to one hundred eighty-five percent (185%) of the U.S. Department of Health and Human Services poverty level for Missouri and the Consumer Price Index as updated on an annual basis.

3. Individuals who are below three hundred percent (300%) of the U.S. Department of Health and Human Services poverty level for Missouri and the Consumer Price Index as updated on an annual basis, and do not receive any services based upon financial need as listed in this subsection, may receive an annual fixed amount as determined by DVR, to be applied toward tuition costs or required fees for training services. This amount may be authorized by DVR for a twelve (12)-month period of time on an annual basis, beginning on the date of services listed on the Individualized Plan for Employment (IPE).

(B) Nonfinancial Need.

1. The following vocational rehabilitation services as defined in the federal act and/or applicable regulations may be provided to individuals regardless of financial need:

A. Medical diagnostic services including medical and surgical examination, psychiatric evaluation, dental examination, inpatient hospitalization for specific identified vocational rehabilitation diagnostic and evaluation services including room, board and other services provided by the facility, clinical laboratory tests, diagnostic x-ray procedures and other medically recognized diagnostic services;

B. Psychological diagnostic services including psychological tests and measurements, intelligence tests, achievement tests, assessment of social functioning, educational achievement and other recognized diagnostic services;

C. Social and vocational diagnostic services including evaluation of the individual's employment opportunities and objectives in light of personality factors, intelligence level, educational achievements, work experience, vocational aptitudes and interests, and personal and social adjustment;

D. Maintenance when required to enable the individual to participate in diagnostic evaluation/services;

E. Transportation when required to enable an individual to participate in diagnostic evaluation/services;

F. Assessment for determining eligibility and vocational rehabilitation needs;

G. Counseling, guidance, information and referral services;

H. Interpreter services for deaf or non-English speaking individuals when necessary to participate in a rehabilitation plan. Note-taking services that include interpreter services are not based upon the individual's financial need; and/or

I. Placement assistance into suitable employment and follow-up on-the-job training fees required to meet a job objective, including fees for: on-the-job training fees, supported employment and work stations in industry. (All other services required during the training such as maintenance and transportation will be based on financial need.)

(2) Individuals must use and make application for all available comparable services including but not limited to federal and state financial aid, which will be used to reduce the costs of services for DVR. Other comparable services, including Medicaid, Medicare and insurance will also be used by DVR to reduce the costs of services.

(A) Prior to providing any services to an individual, DVR will determine whether comparable services or benefits are available under any other program, except in the following instances:

1. Rehabilitation technology service, including assistive technology devices and services to assist the individual to achieve an employment outcome;

2. Counseling, guidance, information and referral services;

3. Assessment for determining eligibility and vocational rehabilitation needs;

4. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

5. When a determination would delay or interrupt the progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;

6. When a determination would delay and interrupt job placement; and

7. Provision of a service to any individual at extreme medical risk.

(3) Division of Vocational Rehabilitation will follow all Missouri procurement policies as specified in the *Revised Statutes of Missouri* for the purchase, retention, repossession and discarding of items including but not limited to prosthetic appliances; home modifications; vehicle modifications; initial tools, stock and equipment and/or rehabilitation technology/devices.

*AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 2000. * Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Dec. 7, 2000, effective July 30, 2001.*

**Original authority: 161.092, RSMo 1963, amended 1973; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.*

5 CSR 90-5.410 Fees

PURPOSE: This rule establishes fees paid by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for services for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Certain fees may be paid by the Division of Vocational Rehabilitation (DVR). However, if the usual and customary fee charged for the service is less than an amount listed, the usual and customary fee is the maximum that will be paid. No additional moneys can be collected from the applicant or eligible individual. The fees are as follows:

(A) Hospitalization Fees: Daily per diem rate established by Missouri Medicaid;

(B) Surgical and Medical Fees: Medicare formula for surgery and related services as approved by the assistant commissioner of DVR or if the service is not covered by Medicare then the rate will be the usual and customary fee as approved by the assistant commissioner of DVR;

(C) Psychological Diagnostic Fees: Usual and customary fees as approved by the assistant commissioner of DVR;

(D) Dental Fees: Missouri Medicaid rates as approved by the assistant commissioner of DVR or if the service is not covered by Medicaid then the rate will be the usual and customary fee as approved by the assistant commissioner of DVR;

(E) Community Rehabilitation and Supported Employment Programs: Evaluation of a cost analysis report for each program with the fees approved by the assistant commissioner of DVR; and/or

(F) Interpreter Services: Usual and customary fees approved by the assistant commissioner of DVR.

(2) The maximum fee which may be paid by DVR for any services or entity not listed above is the usual and customary fee for said service or entity as approved by the assistant commissioner of DVR.

AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620,



RSMo 2000.* Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.

5 CSR 90-5.420 Maintenance and Transportation

PURPOSE: This rule establishes the standards for maintenance and transportation services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals regardless of financial need:

(A) Maintenance when required to enable the applicant or eligible individual required to leave their domicile and relocate forty-five (45) miles or more to participate in diagnostic evaluation/services; and/or

(B) Transportation when required to enable an applicant or eligible individual to participate in diagnostic evaluation/services.

(2) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need. Exceptions may be made if the individual will suffer economic hardship.

(A) Maintenance (noon meals, personal maintenance, placement maintenance, room and board) may be authorized in association with an eligible individual's Individualized Plan for Employment (IPE) when the eligible individual is required to leave their domicile and relocate forty-five (45) miles or more and it is necessary for the eligible individual to receive services.

1. Maintenance may be paid if the actual time required for the service is twenty (20) or more hours per week or the actual time required for the service is less than twenty (20) hours per week and the service is not available within the forty-five (45) miles commuting distance of the eligible individual's home.

2. An eligible individual, considered as either independent or dependent in the family household, who is required to leave their

domicile and relocate forty-five (45) miles or more, may receive two dollars and fifty cents (\$2.50) maximum per day for lunch. An eligible individual considered as independent in the family household, who is required to leave their domicile and relocate forty-five (45) miles or more, may receive up to an additional fifteen dollars (\$15) maximum per week if the Division of Vocational Rehabilitation (DVR) can establish a strong economic need. Exceptions may be made if the individual will suffer economic hardship under the plan and there are no available financial resources.

3. Personal maintenance, up to ten dollars (\$10) per week, may be authorized for eligible individuals who are considered an independent in the family household and required to leave their domicile and relocate forty-five (45) miles or more.

4. Placement maintenance may be authorized for a period not to exceed four (4) weeks in association with an IPE for those eligible individuals who are required to leave their domicile and relocate forty-five (45) miles or more. This plan should include an emphasis in specific job seeking activities. Placement maintenance may be authorized for a period not to exceed four (4) weeks if the individual is employed or until the individual receives a paycheck (whichever period is shorter).

5. Room and board during college training, up to the amount of the dormitory fees at the nearest Missouri tax supported college, may be authorized for those eligible individuals who are required to leave their domicile and relocate forty-five (45) miles or more.

6. Maintenance will not be paid during holiday breaks, absences, or vacations during the eligible individual's plan except when failure to pay maintenance would jeopardize the planned services.

7. DVR will not authorize maintenance for correspondence or tutorial training, or during convalescent care or hospitalization.

(B) Transportation may be authorized by DVR in association with an IPE when necessary for the eligible individual to travel to and from the place of primary service. Transportation assistance will be based upon the individual attending the nearest location.

1. If the eligible individual elects to obtain primary rehabilitation services at a location not within commuting distance (generally one (1) hour travel time and/or approximately forty-five (45) miles) and the services are available within commuting distance, the eligible individual is responsible for all costs exceeding those authorized by DVR for primary rehabilitation services within commuting distance.

2. An exception may be approved by DVR if the eligible individual suffers an economic hardship under the plan and there are no other available financial resources.

3. Mileage reimbursement to eligible individuals will be calculated at thirty percent (30%) of the most current mileage reimbursement rate for state of Missouri employees issued by the Missouri Office of Administration.

A. Mileage reimbursement may be authorized under the following conditions:

(I) The eligible individual is unable to travel by common carrier; or

(II) Bus service is not available; or
(III) The cost by private transportation is less.

4. Air travel may be provided in instances of significant impairment necessitating such mode of travel and in instances where the overall cost to DVR would be the most cost effective method.

AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000.* Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.

5 CSR 90-5.430 Physical and Mental Restoration

PURPOSE: This rule establishes the standards for physical and mental restoration services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following physical and/or mental restoration services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need:

(A) Hospital services for eligible individuals shall be provided from an in-state hospital accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or by the American Osteopathic Association and licensed by the Missouri Department of Health. Preference will be given to hospitals having fifty (50) or more beds and well developed surgical and specialty services.

1. Hospital services for eligible individuals from an out-of-state hospital may be paid according to the rates and methods approved



by the vocational rehabilitation agency in the state where the hospital is located;

(B) Surgical services for eligible individuals may be provided upon approval by the Division of Vocational Rehabilitation's (DVR) Medical Review Committee and when necessary to correct or substantially modify a physical or mental impairment which is stable or slowly progressive and constitutes a substantial impediment to employment. The condition must be of such a nature that correction or modification may be reasonably expected to eliminate or substantially reduce the impediment to employment within a reasonable length of time;

(C) Hearing aids may only be provided from a Missouri licensed hearing aid dealer and fitter upon the recommendation of a Missouri physician specializing in diseases of the ear or a Missouri certified audiologist. The recommendation must include the recommended type of aid and specifications or prescriptions. All licenses or certifications must be valid, unencumbered, unrestricted, and undisciplined.

1. Prior to purchase authorization, DVR will—

A. Consult with the physician or audiologist to determine feasibility of any repair or reconditioning of an existing aid;

B. Obtain estimates including the itemized cost of the aid, batteries, service and warranty from more than one (1) licensed dealer when practical;

C. Request agency discounts;

D. Allow for the eligible individual's preference of vendor whenever possible; and

E. Ensure that the quality of aid, accessories, service, warranty and cost effectiveness are evaluated; and/or

(D) Individuals with mental illness may be referred to the Missouri Department of Mental Health or other mental health providers as a comparable service. Psychotherapy services may be authorized when required for the eligible individual to begin or continue a rehabilitation plan under the following conditions:

1. The need for psychotherapy is clearly related to the expected employment outcome and recommended by a Missouri licensed psychiatrist or psychologist;

2. An Individualized Plan for Employment (IPE) must have been developed or be in the process of development to provide services leading to the attainment of the vocational goal;

3. The eligible individual meets DVR's financial need guidelines;

4. The provider must be a Missouri licensed psychiatrist, psychologist, clinical social worker or professional counselor. The provider must possess a valid, unencum-

bered, unrestricted and undisciplined Missouri license; and

5. Psychotherapy may be authorized for a period up to three (3) months. An additional three (3) months of therapy may be approved if the therapist feels that the consumer is making satisfactory progress that will lead to the attainment of the vocational goal specified on the IPE.

*AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. * Original rule filed Dec. 17, 1999, effective Aug. 30, 2000.*

**Original authority: 161.092, RSMo 1963, amended 1973; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.*

5 CSR 90-5.440 Training

PURPOSE: This rule establishes the standards for training services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 60-900.050 may be provided to eligible individuals based upon financial need:

(A) College, vocational, or proprietary training at an accredited institution may be provided to assist eligible individuals in reaching objectives that are within the scope of their functional limitations, interests, aptitudes and abilities.

1. Eligible individuals must be enrolled in and satisfactorily complete courses that constitute a normal course load for full-time students unless circumstances as approved by the Division of Vocational Rehabilitation (DVR), indicate a need for a reduced course load.

2. Colleges, universities, vocational or proprietary schools must comply with the provisions found in 5 CSR 60-900.050.

3. For eligible individuals enrolled in a Missouri tax supported two (2) or four (4) year college, the cost of education for freshman and sophomore years of college will be calculated at the nearest Missouri community college rate or the Missouri four (4) year college, whichever is less, within a forty-five (45) mile commuting distance. For those areas which do not have a Missouri community college within forty-five (45) miles, but have a Missouri state supported four (4) year

college in their local area, the calculation will be based on that state supported four (4) year college rate.

4. For eligible individuals enrolled in private or proprietary degree colleges or certificate programs in Missouri, the cost of the education is based upon the nearest Missouri tax supported two (2) or four (4) year college appropriate for the eligible individual to reach their vocational objective. Eligible individuals enrolling in the freshman and sophomore year of college will receive services calculated at the nearest Missouri community college rate, within a forty-five (45) mile commuting distance. For those areas which do not have a Missouri community college within forty-five (45) miles, but have a Missouri state supported four (4) year college in their local area, the calculation will be based on that state supported four (4) year college rate. This includes all primary rehabilitation services (e.g. tuition and fees) and secondary rehabilitation services (e.g. maintenance, transportation, books and supplies) which are determined to be necessary for the eligible individual to attend college or certificate programs. The following are exceptions:

A. The specific job objective which the individual is seeking is not available at the nearest Missouri tax supported two (2) or four (4) year college; and/or

B. The nearest Missouri tax supported two (2) or four (4) year college does not provide appropriate services for the individual's disability-related needs.

5. For eligible individuals enrolled in out-of-state colleges or certificate programs, the cost of the education is based upon the lesser of the hourly rate at the nearest Missouri tax supported two (2) or four (4) year college or the hourly rate of the particular out-of-state college appropriate for the eligible individuals to reach their vocational objective. This amount may be applied to any of the eligible individual's educational cost(s). For out-of-state colleges any grants, aid, loans, and/or work-study awarded will be used to reduce the individual's participation in the educational costs.

A. Division of Vocational Rehabilitation's maximum rate of authorization for out-of-state college tuition is calculated at the nearest Missouri community college rate, within a forty-five (45) mile commuting distance from the individual's permanent domicile for the freshman and sophomore years. For those areas which do not have a Missouri community college within forty-five (45) miles from the individual's permanent domicile, the calculation will be based upon the nearest Missouri state supported four (4) year college.



6. Any change in vocational goals involving college, vocational, or proprietary training must be agreed to and signed by the individual and approved by DVR.

7. The eligible individual is responsible for the cost of the tuition and/or required textbooks when courses are dropped, withdrawn and/or retaken due to poor grades, unless the eligible individual's reason for withdrawing, dropping and/or failing a course is disability-related or a credit or refund has been obtained.

8. The individual and/or parents must complete DVR's Financial Application. The individual and/or parents must apply for all applicable federal grants and campus financial aid. If an individual is awarded any grant(s) and attends an in-state college, the grant(s) will be used to reduce DVR's participation in the educational costs.

A. If an individual attends a Missouri public, private or proprietary degree program, all federal grants and aid must be used to reduce agency participation in the educational costs.

B. If the individual participates in a work-study program or obtains student loans, money received from either may be used for educational costs not covered by DVR.

C. If an individual attends an out-of-state college or university, all federal grants and aid may be used to pay for educational costs which exceed DVR's level of funding.

9. The eligible individual is responsible for the cost of tuition, books and supplies for elective courses that do not specifically apply to the eligible individual's degree or program.

10. The eligible individual must acquire and maintain at least a minimum grade point average of 2.0 (based on a 4.0 point scale) or a 3.0 (based on a 5.0 point scale).

11. The eligible individual shall provide a grade report after each semester, quarter, trimester, etc., that documents hours taken, hours completed, grades for each course and grade point average;

(B) The eligible individual may be authorized for correspondence training in the following situations:

1. Training cannot be arranged by another method;

2. The eligible individual needs preliminary training which may be obtained most practicably and efficiently by correspondence prior to entering training by another method;

3. Satisfactory living arrangements cannot be made to secure training by any other method; and/or

4. An eligible individual needs one (1) or two (2) courses for a special purpose;

(C) Tutorial training by qualified tutors may be authorized for eligible individuals needing training not offered by any other method.

1. The tutor must have the necessary qualifications to teach the required skills, and sufficient time to devote to the selected course.

2. The tutor must be willing to make arrangements for time and place of instruction which will be convenient for the eligible individual and satisfactory to the conditions under which the client must live and train.

3. Division of Vocational Rehabilitation will authorize reasonable tuition for tutorial training and ensure that the objective of the training is commensurate with the cost; and/or

(D) Books, training materials, tools, equipment and/or initial stock may be purchased for an eligible individual when said materials are required for an eligible individual to successfully participate in training or job placement.

(2) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 60-900.050 may be provided to eligible individuals regardless of financial need:

(A) On-the-job training fees, supported employment, work stations in industry, and placement assistance into suitable employment; and/or

(B) Eligible individuals who are identified in an Individualized Educational Plan (IEP) may be certified for Sheltered Workshop employment in the last semester of his/her final year in school. Exceptions must be agreed upon by both the assistant commissioners of the Department of Elementary and Secondary Education for DVR and Special Education.

AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Dec. 7, 2000, effective July 30, 2001. Amended: Filed March 27, 2003, effective Oct. 30, 2003.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.*

5 CSR 90-5.450 Home Modification and/or Remodeling

PURPOSE: This rule establishes the standards for home modification and remodeling services provided by the Division of Vocational

Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Home modification and/or remodeling as defined in the federal act and/or applicable regulations may be provided to eligible individuals who meet the financial need guidelines. The modifications should assist the eligible individual to live independently and participate in employment.

(2) The eligible individual or member of the eligible individual's family must own the residence being modified or remodeled or be in the process of purchasing the residence. If the eligible individual resides in rental property, only ramps or lifts will be authorized by the Division of Vocational Rehabilitation, when written permission from the eligible individual's landlord is obtained authorizing the modifications to the rental property.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 2000. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000.*

**Original authority: 161.092, RSMo 1963, amended 1973; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.*

5 CSR 90-5.460 Vehicle Modification

PURPOSE: This rule establishes the standards for vehicle modification services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Vehicle modification as defined in the federal act and/or applicable regulations may be provided to eligible individuals who meet the financial need guidelines.

(2) Eligible individuals may be required to participate in a driver's evaluation provided by a qualified independent organization or individual, to determine the need for vehicle modification and/or adaptive equipment. The driver's evaluation should reflect the minimum modification required for safe operation of the vehicle.

(3) Division of Vocational Rehabilitation (DVR) only authorizes vehicle modification(s) to enable the eligible individual to



enter and exit the vehicle, ride in it and operate it if necessary. Optional equipment, or modifications and accessories not required as indicated by a driver's evaluation, will not be purchased by DVR.

(4) The eligible individual or immediate family member/guardian of the eligible individual must own the vehicle, capable of passing state inspection, prior to any vehicle modification. Division of Vocational Rehabilitation will not purchase an automobile, truck, van, or other powered vehicle that requires licensing by the state.

(5) The eligible individual must have a valid driver's license. If the disability and resulting functional limitations have occurred since the driver's license was issued, the eligible individual should complete appropriate driver training. Division of Vocational Rehabilitation may assist in providing driver's education training.

(6) The eligible individual is responsible for the following:

(A) Providing the maintenance of the vehicle, adaptive equipment and all required city and state licenses; and

(B) Payment of the costs of the vehicle (including loan payments) and insurance premiums.

*AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. * Original rule filed Dec. 17, 1999, effective Aug. 30, 2000.*

**Original authority: 161.092, RSMo 1963, amended 1973; 178.600, RSMo 1963; 178.610, RSMo 1963; and 178.620, RSMo 1963.*