

## Red Tape Review Rule Report (Due: September 1, 2023)

<b>Department Name:</b>	Education	<b>Date:</b>	7/28/2023	<b>Total Rule Count:</b>	18
<b>IAC #:</b>	281	<b>Chapter/ SubChapter/ Rule(s):</b>	56	<b>Iowa Code Section Authorizing Rule:</b>	259.3, as amended by SF 514
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**Note:** This rule chapter has been transferred to Iowa Workforce Development under Senate File 514. The Department of Education has completed this Red Tape Review, as required by Executive Order 10. Iowa Workforce Development may have a different approach or make different proposals as it administers this rule chapter. The Department of Education will provide any necessary technical assistance during this transition.

**What is the intended benefit of the rule?**

This rule is intended to benefit Iowans with disabilities, by providing services and supports to increase employability and independence.

**Is the benefit being achieved? Please provide evidence.**

Yes. In most recent monitoring year, 3,753 Iowans were assisted under this rule chapter..

**What are the costs incurred by the public to comply with the rule?**

There are data reporting, assessment, and recordkeeping costs associated with this rule; however, state and federal funds are used to attain compliance.

**What are the costs to the agency or any other agency to implement/enforce the rule?**

The Department defrayed the costs of administering this rule with federal funds and with a state appropriation.

**Do the costs justify the benefits achieved? Please explain.**

Yes. This rule implements federal requirements and helps ensure state and federal funds are wisely spent to support eligible Iowans. This rule chapter was recently revised to remove surplus and obsolete language. These proposals continue that work.

**Are there less restrictive alternatives to accomplish the benefit?  YES  NO**

**If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.**

Iowa Code requires rules. The Department of Education proposes removing language that duplicates state and federal statutes and regulations, that is obsolete, and that is unnecessarily restrictive.

**Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]**

Yes. This language has been removed throughout the chapter.

**RULES PROPOSED FOR REPEAL (list rule number[s]):**

None noted. In 2022, IVRS considered repealing rules 56.13 through 56.18, based on low usage of the programs. These programs are required by statute.

**RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):**

See attached.

**METRICS**

<b>Total number of rules repealed:</b>	<b>0</b>
<b>Proposed word count reduction after repeal and/or re-promulgation</b>	<b>4,276</b>
<b>Proposed number of restrictive terms eliminated after repeal and/or re-promulgation</b>	<b>67</b>

**ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?**

Rules 56.13 through 56.18 would require statutory changes before their repeal.

**Proposed new Chapter 281—56 (to be codified at Chapter 877—33(84G))**

PROPOSED CHAPTER 56  
IOWA VOCATIONAL REHABILITATION SERVICES

**281—56.1(259) Nature and responsibility of division.** The division of vocational rehabilitation services is established in the department of workforce development and is responsible for providing services to potentially eligible and eligible individuals with disabilities leading to competitive integrated employment in accordance with Iowa Code chapter 259, the federal Rehabilitation Act of 1973 as amended, the federal Social Security Act (42 U.S.C. Section 301, et seq.), and the corresponding federal regulations.

**281—56.2(259) Nondiscrimination.** The division shall not discriminate on the basis of age, race, creed, color, gender, sexual orientation, gender identity, national origin, religion, duration of residency, or disability in the determination of a person's eligibility for rehabilitation services and in the provision of necessary rehabilitation services.

**281—56.3(259) Definitions.** For the purpose of this chapter, the indicated terms are defined as follows:

“*Act*” means the federal Rehabilitation Act of 1973 as amended and codified at 29 U.S.C. Section 701, et seq.

“*Aggregate data*” means information about one or more aspects of division job candidates, or from some specific subgroup of division job candidates, but from which personally identifiable information on any individual cannot be discerned.

“*Applicant*” means an individual or the individual's representative, as appropriate, who has completed the IVRS Application for Services (R-412), a common intake application form through a one-stop center requesting IVRS services, or has otherwise requested services from IVRS; has provided to IVRS information necessary to initiate an assessment to determine eligibility and priority for services; is available to complete the assessment process; and has reviewed and signed the Rights and Responsibilities (IPE-1).

“*Appropriate modes of communication*” has the meaning given in 34 C.F.R. section 361.5(4).

“*Assessment for determining eligibility or in the development of an IPE*” means a review of existing data and, to the extent necessary, the provision of appropriate assessment activities to obtain additional information to make a determination and to assign the priority for services or development of an IPE.

“*Assistive technology device*” means the same as defined in Section 3 of the Assistive Technology Act of 1998, as amended.

“*Assistive technology service*” means the same as defined in Section 3 of the Assistive Technology Act of 1998, as amended.

“*Benefits planning*” means assistance provided to an individual who is interested in becoming employed, but is uncertain of the impact work income may have on any disability benefits and entitlements being received, and is or is not aware of benefits, such as access to health care, that might be available to support employment efforts.

“*Case record*” means the file of personally identifiable information, whether written or electronic in form, on an individual that is collected to carry out the purposes of the division as defined in the Act. This information remains a part of the case record and is subject to these rules even when temporarily physically removed, either in whole or in part, from the file folder in which it is normally kept.

“*Community rehabilitation program*” or “*CRP*” has the meaning given in 34 C.F.R. section 361.5(7).

“*Comparable services and benefits*” has the meaning given in 34 C.F.R. section 361.5(8).

“*Competitive integrated employment*” has the meaning given in 34 C.F.R. section 361.5(8).

“*Competitive integrated work setting*,” with respect to the provision of services, means a setting, typically found in the community, in which applicants or eligible individuals interact with nondisabled individuals, other than nondisabled individuals

who are providing services to those applicants or eligible individuals, and said interaction is consistent with the quality of interaction that would normally occur in the performance of work by the nondisabled coworkers.

*“Customized employment”* has the meaning given in 34 C.F.R. section 361.5(11).

*“Department”* means the department workforce development.

*“Designated representative”* means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the designated representative.

*“Designated state unit”* or *“DSU”* means Iowa vocational rehabilitation services.

*“Division”* or *“IVRS”* means Iowa vocational rehabilitation services.

*“Eligible individual”* means an applicant for services from the division who meets the eligibility requirements.

*“Employment outcome”* has the meaning given in 34 C.F.R. section 361.5(15).

*“Extended employment”* has the meaning given in 34 C.F.R. section 361.5(18).

*“Extended services”* has the meaning given in 34 C.F.R. section 361.5(19).

*“Family income,”* for purposes of calculating the financial participation rate for services, means those who are financially responsible for the support of the job candidate and may involve individuals who live in the same or separate households including partners and spouses.

*“Family member,”* for purposes of vocational rehabilitation services, means any individual who lives with the individual with a disability and has a vested interest in the welfare of that individual whether by marriage, birth, or choice. A family member is an individual who either (1) is a relative or guardian of an applicant or job candidate, or (2) lives in the same household as an applicant or job candidate, who has a substantial interest in the well-being of the applicant or job candidate, and whose receipt of vocational rehabilitation services is necessary to enable the applicant or job candidate to achieve an employment outcome.

*“IDEA”* means the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

*“Impartial hearing officer”* or *“IHO”* has the meaning given in 34 C.F.R. section 361.5(24).

*“Independent living services”* or *“IL services”* means services authorized under Title VII, chapter 1, part B of the Rehabilitation Act of 1973, as amended.

*“Individualized plan for employment”* or *“IPE”* means a plan that specifies the services needed by an eligible individual and the responsibilities of the individual with a disability and other payers. An IPE contains the matter set forth in or permitted by 34 C.F.R. section 361.46.

*“Individual with a disability”* has the meaning given in 34 C.F.R. section 361.5(28).

*“Individual with a most significant disability”* has the meaning given in 34 C.F.R. section 361.5(29).

*“Individual with a significant disability”* has the meaning given in 34 C.F.R. section 361.5(30).

*“Institution of higher education”* or *“IHE”* means the same as defined in Section 102(a) of the Higher Education Act of 1965.

*“Job candidate”* means an applicant or eligible individual applying for or receiving benefits or services from any part of the division and includes former job candidates of the division whose files or records are retained by the division.

*“Job retention waiting list release”* means the mechanism used to remove a job candidate from the division waiting list when the individual is at immediate risk of losing the job and requires vocational rehabilitation service(s) or good(s) in order to maintain employment. This applies only for those service(s) or good(s) that will allow the individual to maintain employment. After the individual receives said service(s) or good(s), the individual’s file will be closed if the individual is satisfied with the services provided and requires no further services. If there are additional services needed, the individual will return to the waiting list, if necessary, until that point where the individual’s priority of service is being served.

*“Maintenance”* has the meaning given in 34 C.F.R. section 361.5(34).

*“Mediation”* has the meaning given in 34 C.F.R. section 361.5(35).

*“Menu of services”* means the services provided by community partners to assist an individual with a disability in achieving an employment outcome. Menu of services refers to various services that the division is able to purchase from an approved CRP or other approved provider on behalf of a job candidate. The services are selected and jointly agreed upon by the counselor and job candidate of the division. Payments for services are made based on a fee structure that is published and updated annually, and there is no financial needs assessment applied toward the costs of these purchased services from the community partner.

*“Ongoing support services”* has the meaning given in 34 C.F.R. section 361.5(37).

*“Personal assistance services”* has the meaning given in 34 C.F.R. section 361.5(38).

*“Physical or mental impairment”* has the meaning given in 34 C.F.R. section 361.5(40).

*“Physical or mental restoration services”* has the meaning given in 34 C.F.R. section 361.5(39).

*“Plan for natural supports”* means a plan initiated prior to the implementation of the supported employment program that describes the natural supports to be used on the job; the training provided to the supervisor and mentor on the job site; the technology used in the performance of the work; the rehabilitation strategies and trainings that will be taught to the mentor in order to support and direct the job candidate on the job; the supports needed outside of work for the job candidate to be successful;

and the methods by which the employer can connect with the job candidate's job coach/IVRS staff member, or the training program when the need arises.

*"Postemployment services"* has the meaning given in 34 C.F.R. section 361.5(41).

*"Potentially eligible"* for the purposes of preemployment transition services means all students with disabilities. A student is considered potentially eligible until the student has applied for services and an eligibility decision has been determined.

*"Preemployment transition services"* or *"pre-ETS"* means those services specified in 34 CFR Section 361.48(a).

*"Recognized educational program"* includes secondary education programs, nontraditional or alternative secondary education programs (including homeschooling), postsecondary education programs, and other recognized educational programs such as those offered through the juvenile justice system.

*"Rehabilitation technology"* has the meaning given in 34 C.F.R. section 361.5(45).

*"Satisfactory employment"* means stable employment in a competitive integrated employment setting that is consistent with the individual's IPE and acceptable to both the individual and the employer.

*"Self-employment services"* means services to assist individuals with disabilities to achieve a self-employment outcome consistent with the individual's abilities, preferences and needs. Self-employment is a vocational option through the division that is available only to for-profit businesses intended for operation within the state of Iowa. The division provides two options within the program, which include the full self-employment program and micro-enterprise development. These services provide information, strategies and resources to help the business become self-sustaining while assisting the individual in assuring all necessary supports are in place for long-term success.

*"Status"* means the existing condition or position of a case. The specific case statuses are as follows:

1. 00-0 Referral for services.
2. 01-0 Potentially eligible student.
3. 01-1 Closed from potentially eligible.
4. 02-0 Applicant.
5. 04-0 Waiting list.
6. 08-0 Closed before acceptance (from Status 02-0).
7. 10-0 Accepted for services (plan development) adults.
8. 10-1 Accepted for services (plan development) high school students.
9. 14-0 Counseling and guidance.
10. 16-0 Physical and mental restoration.
11. 18-\_\_ Training.
  - 18-1 Work adjustment training/assessment.
  - 18-2 On-the-job training.
  - 18-3 Vocational-technical training.
  - 18-4 Academic training.
  - 18-5 Secondary education.
  - 18-6 Supported employment.
  - 18-7 Other types of training (including nonsupported employment job coaching, job development, ISE).
12. 20-0 Ready for employment.
13. 22-0 Employed.
14. 24-0 Services interrupted.
15. 26-0 Closed rehabilitated.
16. 28-0 Closed after IPE initiated (from Status 14-0 through 24-0).
17. 30-0 Closed before IPE initiated (from Status 10-\_\_).
18. 32-0 Postemployment services (from Status 26-0).
19. 33-\_\_ Closed after postemployment services (from Status 32-0).
  - 33-1 Individual is returned to suitable employment or the employment situation is stabilized.
  - 33-2 The case has been reopened for comprehensive vocational rehabilitation services.
  - 33-3 The postemployment services are no longer assisting the individual and further services would be of no assistance.
20. 38-0 Closed from Status 04-0 (individual does not meet one of the waiting list categories, and the individual no longer wants to remain on the waiting list or fails to respond when contacted because individual's name is at the top of the waiting list).

*"Student with a disability"* means an individual with a disability in a secondary, postsecondary, or other recognized education program who is not younger than 14 years of age and not older than 21 years of age; and is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act or is a student who is an individual with a disability, for purposes of Section 504.

*"Substantial impediment to employment"* has the meaning given in 34 C.F.R. section 361.5(52).

“Supported employment” has the meaning given in 34 C.F.R. section 361.5(53) “Supported employment services” has the meaning given in 34 C.F.R. section 361.5(54).

“Transition services” has the meaning given in 34 C.F.R. section 361.5(55).

“Transportation” has the meaning given in 34 C.F.R. section 361.5(56).

“Vocational rehabilitation services” has the meaning given in 34 C.F.R. section 361.5(57).

“Waiting list” means the listings of eligible individuals for vocational rehabilitation services who are not in a category being served, otherwise known as “order of selection” under the Workforce Innovation and Opportunity Act of 2014.

“Youth with a disability” has the meaning given in 34 C.F.R. section 361.5(58).

## **281—56.4(259) Referral and application for services.**

### **56.4(1) General.**

a. The division has established and implemented standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the one-stop service delivery systems under Section 121 of the Workforce Innovation and Opportunity Act. The standards include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

b. A referral for a student with a disability requesting preemployment transition services (pre-ETS) includes completion of the pre-ETS agreement.

c. Once an individual has submitted an application for vocational rehabilitation services, including applications made through common intake procedures in one-stop centers under Section 121 of the Workforce Innovation and Opportunity Act, an eligibility determination is to be made within 60 days, unless exceptional and unforeseen circumstances beyond the control of the division preclude making an eligibility determination within 60 days and the division and the individual agree to a specific extension of time.

d. An individual is considered to have submitted an application when the individual or the individual’s representative, as appropriate, has completed an agency application form including written consent; has completed a common intake application form in a one-stop center requesting vocational rehabilitation services or has otherwise requested services from the division; has provided to the division information necessary to initiate an assessment to determine eligibility and priority for services; and is available to complete the assessment process. The division ensures that its application forms are widely available throughout the state, particularly in the one-stop centers under Section 121 of the Workforce Innovation and Opportunity Act.

e. The division will refer applicants or eligible individuals to appropriate programs and service providers best suited to address the specific rehabilitation, independent living and employment needs of the individual with a disability. Individuals with the most significant disabilities who are working at subminimum wage in a nonintegrated setting are provided information about competitive integrated employment and support from the division, once known to the division, by qualified personnel and partners with the goal of assisting said individuals to pursue competitive integrated employment.

f. The division will inform those who decide against pursuit of employment that services may be requested at a later date if, at that time, they choose to pursue an employment outcome.

**56.4(2) Individuals who are blind.** Pursuant to rule 111—10.4(216B), individuals who meet the department for the blind (IDB) definition of “blind” are to be served primarily by IDB. Joint cases are served pursuant to any applicable memorandum of agreement executed between the division and IDB.

## **281—56.5(259) Eligibility for vocational rehabilitation services.**

### **56.5(1) General.**

a. Eligibility for vocational rehabilitation services will be determined upon the basis of the following:

(1) A determination by a qualified rehabilitation counselor that the applicant has a physical or mental impairment documented by a qualified provider;

(2) A determination by a qualified rehabilitation counselor that the applicant’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and

(3) A determination by a qualified vocational rehabilitation counselor that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the applicant’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

b. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome. The applicant’s completion of the application process for vocational rehabilitation services is sufficient evidence of the individual’s intent to achieve an employment outcome. If at any time the individual decides to no longer pursue competitive integrated employment, the individual is no longer eligible for division services.

**56.5(2) Presumptions.** A presumption exists that the applicant who meets the eligibility provisions in subparagraphs

56.5(1) “a”(1) and 56.5(1) “a”(2) can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. Any applicant who has been determined eligible for social security benefits under Title II or Title XVI of the Social Security Act based on the applicant’s own disability is presumed eligible for vocational rehabilitation services and is considered an individual with a significant disability. IVRS staff are to verify the applicant’s eligibility. Recipients who demonstrate eligibility under subrule 56.6(1) are to also demonstrate need in the individualized plan for employment (IPE) under subrule 56.6(3). Nothing in this rule automatically entitles a recipient of social security disability insurance or supplemental security income payments to any good or service provided by the division. Qualified IVRS personnel will identify and document the individual as a recipient of social security benefits based on disability, and the determination of impediments to employment and need for services will be documented by the qualified rehabilitation counselor.

**56.5(3) Standards for ineligibility.** If the division determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an IPE is no longer eligible for services, including preemployment transition services (pre-ETS), the division will comply with 34 C.F.R. section 361.43.

**56.5(4) Residency.** There is no duration of residency requirement; however, an individual seeking services from the agency must be present and available for participation in services.

## **281—56.6(259) Other eligibility and service determinations.**

### **56.6(1) Waiting list.**

a. As set forth in the Act and 34 CFR Section 361.36, if the division cannot serve all eligible individuals who apply, the division shall develop and maintain a waiting list for services based on significance of disability. The three categories of waiting lists are as follows, listed in order of priority to be served:

- (1) Most significantly disabled;
- (2) Significantly disabled; and
- (3) Others eligible.

b. An individual’s order of selection is determined by the waiting list and the date on which the individual applied for services from IVRS. All waiting lists are statewide in scope; no regional lists are to be maintained. Assessment of the significance of an applicant’s disability is done during the process of determining eligibility but may continue after the individual has been placed on a waiting list. Individuals who do not meet the order of selection criteria will have access to services provided through information and referral. The division will provide the individual:

- (1) A notice of the referral;
- (2) Information identifying a specific point of contact at the agency to which the individual is referred; and
- (3) Information and advice on the referral regarding the most suitable services to assist the individual.

c. Job retention services are available for those individuals who meet the requirements for those services.

### **56.6(2) Options for individualized plan for employment (IPE) development.**

a. The division provides information on the available options for developing the IPE, including the option that an eligible individual, or as appropriate, the individual’s representative, may develop all or part of the IPE without assistance from the division or other entity; or with assistance from:

- (1) A qualified vocational rehabilitation counselor employed by IVRS;
- (2) A qualified vocational rehabilitation counselor not employed by IVRS;
- (3) A disability advocacy organization, such as the CAP or Disability Rights Iowa (DRI), or any other advocacy organization of the individual’s choosing; or

(4) Resources other than those mentioned above, such as the individual’s case manager or a representative of the division under the guidance of a division vocational rehabilitation counselor.

b. The IPE is not approved or put into practice until it is discussed and reviewed; amended, if applicable; and approved by the job candidate and the vocational rehabilitation counselor employed by the division.

c. There is no compensation for any expenses incurred while the IPE is developed with any entity not employed by the division.

d. If the job candidate is not on the division waiting list and needs some assessment services to develop the IPE, the job candidate is to discuss the needs in advance with the division counselor and obtain prior approval if financial assistance is needed from the division to pay for the assessment service.

e. For individuals entitled to benefits under Title II or XVI of the Social Security Act on the basis of a disability or blindness, the division must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning.

f. The job candidate’s signature on the IPE verifies the ticket assignment to the division unless otherwise directed by the job candidate.

g. The IPE implementation date begins on the date of the division counselor’s signature.

**56.6(3)** *Content of the individualized plan for employment (IPE).* Each IPE will contain the content specified in 34 C.F.R. section 361.46.

No expenditures associated with the job candidate-developed plan are the responsibility of IVRS, unless agreed to and approved by the IVRS counselor. Written approval for services must be obtained prior to any IVRS financial obligation.

All IPE services are provided, unless amended and determined unnecessary. The division exercises its discretion in relation to the termination or amendment of the individual's IPE when, for any reason, it becomes evident that the IPE cannot be completed.

**56.6(4)** *Scope of services.*

*a.* Preemployment transition services (pre-ETS). In collaboration with the local educational agencies involved, the division ensures that pre-ETS are arranged and available to all students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services, as defined in 34 CFR Section 361.5(c)(51). Pre-ETS include:

(1) Required activities. The division is to provide the following activities:

1. Job exploration counseling;
2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

(2) Authorized activities. Funds available and remaining after the provision of the required activities may be used to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in and retain competitive integrated employment;
3. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this rule;
5. Coordinating activities with transition services provided by local educational agencies under the IDEA;
6. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel in order to better achieve the goals of this rule;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disability agencies, private businesses, or other participants to achieve the goals of this rule; and
9. Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations.

(3) Preemployment transition coordination. Each local office of a designated state unit must carry out responsibilities consisting of:

1. Attending individualized education program meetings for students with disabilities, when invited;
2. Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
3. Working with schools, including those carrying out activities under Section 614(d) of the IDEA, to coordinate and ensure the provision of preemployment transition services under this rule;
4. When invited, attending person-centered planning meetings for individuals receiving services under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.).

(4) Completion of the pre-ETS agreement outlines the agreed-upon preemployment transition services needed by the student with a disability. When it is necessary to purchase these services, written prior approval must be obtained from the division.

Once an individual applies for services, the division may provide certain services (e.g., assessments for the determination of eligibility and plan development). The preemployment transition services listed above may continue for students with disabilities (as applicable).

*b.* Vocational services for eligible individuals not on a waiting list are services described in an IPE and are necessary to

assist the eligible individual in preparing for, obtaining, retaining, regaining, or advancing in employment if the failure to advance is due to the disability, consistent with informed choice. Funding for such services is provided in accordance with the division policies. The services include:

- (1) Assessment for determining services needed to achieve competitive integrated employment;
- (2) Counseling and guidance, which means career counseling to provide information and support services to assist the eligible individual in making informed choices;
- (3) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce development system, and through agreements with other organizations and agencies as well as advising individuals about the client assistance program;
- (4) Job-related services to facilitate the preparation for, obtaining of, and retaining of employment to include job search, job development, job placement assistance, job retention services, follow-up services and follow-along if necessary and required under the IPE;
- (5) Vocational and other training services, including personal and vocational adjustment training; advanced training in, but not limited to, a field of science, technology, engineering, mathematics (including computer science), medicine, law, or business; books, tools, and other training materials, except that no training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing or any other postsecondary education institution) may be paid for with IVRS funds unless maximum efforts have been made by the designated state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training, in accordance with the definition of that term in 34 CFR Section 361.48(b)(6);
- (6) Physical and mental treatment may be provided to the extent that financial support is not readily available from another source other than IVRS, such as health insurance of the individual or a comparable service or benefit, as defined in 34 CFR Section 361.5(c)(39), and said treatment is essential to the progression of the individual to achieve the competitive integrated employment outcome according to the following provisions:
  1. The service is necessary for the job candidate's satisfactory occupational adjustment;
  2. The condition causing the disability is relatively stable or slowly progressive;
  3. The condition is of a nature that treatment may be expected to remove, arrest, or substantially reduce the disability within a reasonable length of time;
  4. The prognosis for life and employability is favorable;
- (7) Maintenance services as defined in 34 CFR Section 361.5(c)(34), to the extent that the costs of maintenance shall not exceed the amount of increased expenses that the rehabilitation causes for the job candidate or the job candidate's family. Maintenance is not intended to provide relief from poverty or abject living conditions. Guidance regarding the financial support of maintenance is available from the division's policy manual;
- (8) Transportation in connection with the provision of any vocational rehabilitation service and as defined in 34 CFR Section 361.5(c)(57), to the extent that when necessary to enable an applicant or a job candidate to participate in or receive the benefits of other vocational rehabilitation services, travel and related expenses, including expenses for training in the use of public transportation vehicles and systems, may be provided by the division. Transportation services may include the use of private or commercial conveyances (such as private automobile or van, public taxi, bus, ambulance, train, or plane) or the use of public transportation and coordination with a regional transit agency;
- (9) Vocational rehabilitation services to family members, as defined in 34 CFR Section 361.5(c)(23), of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome;
- (10) Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing and tactile interpreting services;
- (11) Supported employment services as defined in 34 CFR Section 361.5(c)(42);
- (12) Occupational licenses, tools, equipment, initial stocks and supplies;
- (13) Rehabilitation technology as defined in 34 CFR Section 361.5(c)(45), including vehicular modification, telecommunications, sensory, and other technological aids and devices;
- (14) Transition services for a student or youth with a disability that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or preemployment transition services for students;
- (15) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce development system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (16) Customized employment as defined in 34 CFR Section 361.5(c)(11); and
- (17) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

**56.6(5) Specific services requiring financial assessment.**

a. Financial need must be established prior to the provision of certain services at the division's expense and is evidenced by use of the financial inventory needs tool utilized by the division. No financial needs test will occur for the following services:

- (1) Assessment for eligibility and priority of services and determining vocational rehabilitation needs under 34 CFR Section 361.48(b)(2);
- (2) Vocational rehabilitation counseling and guidance under 34 CFR Section 361.48(b)(3);
- (3) Referral and other services under 34 CFR Section 361.48(b)(4);
- (4) Job-related services under 34 CFR Section 361.48(b)(12);
- (5) Personal assistance services under 34 CFR Section 361.48(b)(14); and
- (6) Any auxiliary aid or service (e.g., interpreter services under 34 CFR Section 361.48(b)(10) or reader services under 34 CFR Section 361.48(b)(11)) that an individual with a disability requires.

b. Recipients of SSDI/SSI and foster care youth are not subject to a financial needs test but must demonstrate eligibility under subrule 56.6(1) and rule 281—56.5(259), as well as demonstrate need in the IPE.

(1) For the determination of financial need, the individual and the individual's family (when applicable) are required to provide information regarding all family income from any source that may be applied toward the cost of rehabilitation services, other than those services mentioned above, where the financial needs test does not apply. Family is considered to be any individuals who are financially responsible for the support of the job candidate, regardless of whether they reside in the same or separate households. A comparable services and benefits search is required for some services. The division shall not pay for more than the balance of the cost of services minus comparable services and benefits for the individual's documented contribution. When an individual refuses to supply information for the financial needs test, the individual assumes 100 percent responsibility for the costs of the rehabilitation.

(2) The division shall observe the following policies in deciding financial need based upon the findings:

1. All services requiring the determination of financial need are provided on the basis of supplementing the resources of the individual or of those responsible for the individual.

2. A division supervisor may grant an exception in cases where the individual's disability caused, or is directly related to, financial need and where all other sources of money have been exhausted by the individual and the guardian of the individual (when applicable).

3. Consideration will be given to the individual's responsibility for the immediate needs and maintenance of the individual's dependents, and the individual is expected to reserve sufficient funds to meet the individual's family obligations and to provide for the family's future care, education and medical expenses.

4. Income up to a reasonable amount should be considered and determined based on the federal poverty guidelines associated with family size, income, and exclusions.

5. General assistance from state or federal sources is disregarded as a resource unless the assistance is a grant award for postsecondary training.

6. Grants and scholarships based on merit, while not required to be searched for as a comparable benefit, may be considered as part of the determination of financial support of a plan when a request is beyond the basic support for college. Public grants and institutional grants or scholarships not based on merit are considered a considerable benefit.

7. The division does not fund services for which another entity is responsible.

8. The division seeks and purchases the most economical goods (items/models) or services that meet the individual's vocational needs.

9. Goods and services are only authorized to those facilities and entities qualified and equipped to provide such goods and services.

**56.6(6) Maximum rates of payment to training facilities.** In no case shall the amount paid to a training facility exceed the rate published, and in the case of facilities not having published rates, the amount paid to the facility is not exceed the amount paid to the facility by other public agencies for similar services. The division will maintain information necessary to justify the rates of payment made to training facilities.

**56.6(7) Areas in which exceptions are unavailable.** Pursuant to federal law, an exception will not be granted for any requirements that do not allow for such an exception (e.g., eligibility, mandatory contents of the individualized plan for employment).

**56.6(8) Exceptions to duration of services.** As required by the Act and 34 CFR Section 361.50(d), the division will have a method of allowing for exceptions to its rules regarding the duration of services. In order to exceed the duration of service as defined in the IPE, a job candidate must follow through on the agreed-upon IPE and related activities and keep the division informed of the job candidate's progress.

**281—56.7(259) Purchasing principles for individual-specific purposes.**

**56.7(1)** The division will follow the administrative rules for purchasing goods and services promulgated by the department of administrative services.

**56.7(2)** The division shall purchase only those items or models that allow for a job candidate to meet the job candidate's vocational objective. The division shall not pay for additional features that exceed the requirements to meet a job candidate's vocational objective or that serve primarily to enhance the job candidate's personal life.

**56.7(3)** The division shall seek out and purchase the most economical item or model that meets the job candidate's vocational needs.

**56.7(4)** The division shall encourage all job candidates to develop strategies and savings programs to pay for replacement items/models or upgrades.

**56.7(5)** Items purchased for a job candidate become the property of the job candidate but may be repossessed by the division, subject to reimbursement to the job candidate for the job candidate's share of the purchase price, if the job candidate does not attain employment prior to case closure.

**56.7(6)** The division shall inform the job candidate that any change to planned purchases must be discussed and approved jointly before a purchase is made.

**56.7(7)** The division will not participate in the modification to property not owned by the job candidate or the job candidate's family without a division-approved exception to policy.

**56.7(8)** When considering what item or model to purchase for a specific job candidate, the division shall in all cases consider the following factors:

*a.* Whether the item or model is required for the job candidate to be able to perform the essential functions of the job candidate's job.

*b.* Whether other parties or entities may be responsible for providing or contributing to the costs of an item.

**281—56.8(259) Review, mediation and appeal processes.** At all times throughout the rehabilitation process, individuals accessing any IVRS services shall be informed of the right to appeal or mediation and the procedures by which to file. If an individual is dissatisfied with any agency decision that directly affects the individual, the individual or designated representative may appeal that decision or request mediation. The term "appellant" shall be used to indicate the individual or designated representative who initiates an appeal. The appellant may initiate the appeal process either by calling a counselor or supervisor or by filing the appropriate division appeal form, available from any counselor or supervisor of the division. If the appeal process or mediation is initiated by telephone, the counselor or supervisor who received the call is to complete the appeal form to the best of that person's ability with information from the appellant. The division shall accept as an appeal or request for mediation a written letter, facsimile, or electronic mail that indicates that the applicant or job candidate desires to appeal or seek mediation. An appeal or mediation request must be filed within 90 days of notification of the disputed decision. Once the appeal form or request for mediation has been filed with the division administrator, a hearing is to be held before an impartial hearing officer (IHO) or mediator within the next 60 days unless an extension of time is mutually agreed upon or one of the parties shows good cause for an extension or one of the parties declines mediation. The appellant may request that the appeal go directly to impartial hearing, but the appellant shall be offered the opportunity for a supervisor review or mediation. The appellant may request assistance with an appeal or mediation from the Iowa client assistance program (ICAP) at any time in the appeal process.

**56.8(1) Supervisor review.** As a first step, the appellant shall be advised that a supervisor review of the counselor's decision may be requested by notifying the counselor or supervisor in person, by telephone or by letter of the decision to appeal. If the supervisor has been involved in decisions in the case to the extent that the supervisor cannot render a fair and impartial decision or if the supervisor is not available to complete the review in a timely manner, the appeal and case file shall be forwarded to the bureau chief for review. The appellant is not required to request supervisor review as a prerequisite for appeal before an IHO; however, if a supervisor review is requested, the following steps shall be observed:

*a.* Upon receipt of a request for supervisor review, the supervisor shall notify all appropriate parties of the date and nature of the appeal; examine case file documentation; discuss the issues and reasons for the decision with the immediate counselor and other counselors who may have been previously involved with the case or issue; and, if necessary, meet with any or all parties to discuss the dispute.

*b.* The supervisor shall have ten working days from receipt of the request for supervisor review to decide the issue and notify the appellant in writing. A copy of the supervisor's decision shall be sent to all appropriate parties.

*c.* If the supervisor's decision is adverse to the appellant, the copy of the written decision given to the appellant shall include further appeal procedures, including notification that the appellant has ten days from the date of the letter to file further appeal.

*d.* As an alternative to, but not to the exclusion of, filing for further appeal, the appellant may request mediation of the supervisor's decision or review by the chief of the rehabilitation services bureau.

**56.8(2) Mediation.** Regardless of whether a supervisor review is requested, an appellant may use the mediation procedures set forth in 34 C.F.R. section 361.57(d).

**56.8(3) Hearing before an impartial hearing officer.** Regardless of whether the appellant has used supervisor review or mediation or both, if the appellant requests a hearing before an IHO, the following provisions apply:

a. The division shall appoint the IHO from the pool of impartial hearing officers with whom the division has contracts. The IHO shall be assigned on a random basis or by agreement between the administrator of the division and the appellant.

b. The hearing shall be held within 20 days of the receipt of the appointment of the IHO. A written decision shall be rendered and given to the parties by the IHO within 30 days after completion of the hearing. Either or both of these time frames may be extended by mutual agreement of the parties or by a showing of good cause by one party.

c. The appellant shall be informed that the filing of an appeal confers consent for the release of the case file information to the IHO. The IHO shall have access to the case file or a copy thereof at any time following acceptance of the appointment to hear the case.

d. Within five working days after appointment, the IHO shall notify both parties in writing of the following:

(1) The role of the IHO;

(2) The IHO's understanding of the reasons for the appeal and the requested resolution;

(3) The date, time, and place for the hearing, which shall be accessible and located as advantageously as possible for both parties but more so for the appellant;

(4) The availability of the case file for review and copying in a vocational rehabilitation office prior to the hearing and how to arrange for the same;

(5) That the hearing shall be closed to the public unless the appellant specifically requests an open hearing;

(6) That the appellant may present evidence and information personally, may call witnesses, may be represented by counsel or other appropriate advocate at the appellant's expense, and may examine all witnesses and other relevant sources of information and evidence;

(7) The availability to the appellant of the Iowa client assistance program (ICAP) for possible assistance;

(8) Information about the amount of time it will take to complete the hearing process;

(9) The possibility of reimbursement of necessary travel and related expenses; and

(10) The availability of interpreter and reader services for appellants not proficient in the English language and those who are deaf or hard of hearing and the availability of transportation or attendant services for those appellants requiring such assistance.

e. Existing division services provided to an appellant shall not be suspended, reduced, or terminated pending the decision of the IHO, unless so requested by the appellant.

f. The IHO shall provide a full written decision, including the findings of fact and grounds for the decision. The appellant or the division may request administrative review, and the IHO decision is submitted to the administrator of the division. Both parties may provide additional evidence not heard at the hearing for consideration for the administrative review. If no additional evidence is presented, the IHO decision stands. Unless either party chooses to seek judicial review pursuant to Iowa Code chapter 17A, the decision of the IHO is final. If judicial review is sought after administrative review, the IHO's decision shall be implemented pending the outcome of the judicial review.

**281—56.9(259) Case record.** The division has the authority to collect and maintain records on individuals under the Act, the state plan for vocational rehabilitation services, and the Social Security Act. Under this authority, the division maintains a record for each case. The case record contains pertinent case information as defined in division policy including, as a minimum, the basis for determination of eligibility, the basis justifying the plan of services and the reason for closing the case, together with a justification of the closure and supporting documents. Case information is contained in the agency's case management system and a hard copy file. A combination of these data collections instruments constitutes the official case record. The hard copy files are retained for a minimum of four years, but there are instances when a case may be stored longer based on the services received. [ARC 6481C, IAB 8/24/22, effective 9/28/22]

**281—56.10(259) Personally identifiable information.** This rule describes the nature and extent of the personally identifiable information collected, maintained, and retrieved by the division by personal identifier in record systems as defined herein. The record systems maintained by the division include the following:

**56.10(1) Personnel records.** Personnel records contain information relating to initial application, job performance and evaluation, reprimands, grievances, notes from and reports of investigations of allegations related to improper employee behavior, and reports of hearings and outcomes of reprimands and grievances.

**56.10(2) Job candidate case records.** An individual file is maintained for each person who has been referred to or has applied for the services of the division, as described in rule 281—56.9(259). The file contains a variety of personal information about the job candidate, which is used in the establishment of eligibility and the provision of agency services. All information is personally identifiable and is confidential.

**56.10(3) Job candidate service record computer database.** The job candidate service record computer database contains personal data items about individual job candidates. Data identifying a job candidate is confidential. Data in the aggregate is not

personally identifiable and thus is not confidential.

**56.10(4) *Vendor purchase records.*** Vendor purchase records are records of purchases of goods or services made for the benefit of job candidates. If a record contains the job candidate's name or other personal identifiers, the record is confidential. Lists of non-job candidate vendors, services purchased, and the costs of those services are not confidential when retrieved from a data processing system without personally identifiable information.

**56.10(5) *Records and transcripts of hearings or client appeals.*** Records and transcripts of hearings or client appeals contain personally identifiable information about a client's case, appeal from or for some action, and the decision that has been rendered. The personally identifiable information is confidential. Some of the information is maintained in an index provided for in Iowa Code section 17A.3(1) "d." Information is available after confidential personally identifiable information is deleted.

**56.10(6) *All computer databases of client and applicant names and other identifiers.*** The data processing system contains client status records organized by a variety of personal identifiers. These records are confidential as long as any personally identifiable information is present.

**56.10(7) *All computer-generated reports that contain personally identifiable information.*** The division may choose to draw or generate from a data processing system reports that contain information or an identifier which would allow the identification of an individual client or clients. This material is for internal division use only and is confidential.

**56.10(8) *Personally identifiable information and acceptance of federal requirements.*** Pursuant to Iowa Code section 259.9, the state of Iowa accepts the social security system rules for the disability determination program of the division. Failure to follow the provisions of the Act can result in the loss of federal funds. All personally identifiable information is confidential and may be released only with informed written consent, except as permitted by federal law. Any contrary provision in Iowa Code chapter 22 must be waived in order for the state to receive federal funds, services, and essential information for the administration of vocational rehabilitation services.

**281—56.11(259) Other groups of records routinely available for public inspection.** This rule describes groups of records maintained by the division other than record systems. These records are routinely available to the public, with the exception of parts of the records that contain confidential information. This rule generally describes the nature of the records, the type of information contained therein, and whether the records are confidential in whole or in part.

**56.11(1) *Rule making.*** Rule-making records, including public comments on proposed rules, are not confidential.

**56.11(2) *Council and commission records.*** Agendas, minutes, and materials presented to any council or commission required under the Act are available to the public with the exception of those records that are exempt from disclosure under Iowa Code section 21.5. Council and commission records are available from the main office of the division at 510 E. 12th Street, Des Moines, Iowa 50319.

**56.11(3) *Publications.*** News releases, annual reports, project reports, agency newsletters, and other publications are available from the main office of the division at 510 E. 12th Street, Des Moines, Iowa 50319. Brochures describing various division programs are also available at local offices of the division.

**56.11(4) *Statistical reports.*** Periodic reports of statistical information on expenditures, numbers and types of case closures, and aggregate data on various client characteristics are compiled as needed for agency administration or as required by the federal funding source and are available to the public.

**56.11(5) *Grants.*** Records of persons receiving grants from division services are available through the main office of the division. Grant records contain information about grantees and may contain information about employees of a grantee that has been collected pursuant to federal requirements.

**56.11(6) *Published materials.*** The division uses many legal and technical publications, which may be inspected by the public upon request. Some of these materials may be protected by copyright law.

**56.11(7) *Policy manuals.*** Manuals containing the policies and procedures for programs administered by the division are available on the division website. Printed copies of all or some of the documents are available at the cost of production and handling. Requests should be addressed to Vocational Rehabilitation Services Division, 510 E. 12th Street, Des Moines, Iowa 50319.

**56.11(8) *Operating expense records.*** The division maintains records of the expense of operation of the division, including records related to office rent, employee travel expenses, and costs of supplies and postage, all of which are available to the public.

**56.11(9) *Training records.*** Lists of training programs, the persons approved to attend, and associated costs are maintained in these records, which are available to the public.

**56.11(10) *Other records.*** The division maintains records of various sources not previously mentioned in this rule that are exempted from disclosure by law.

**281—56.12(259) State rehabilitation council.**

**56.12(1) *Composition.*** The state rehabilitation council's composition is set forth in 34 C.F.R section 361.17(b). The

appointing authority is to select members of the council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the council. A majority of members must be individuals with disabilities who meet the requirements of 34 CFR Section 361.5(c)(28) and are not employed by the designated state unit.

**56.12(2) Chairperson.** The chairperson must be selected by the members of the council from among the voting members of the council.

**56.12(3) Terms.** Each member of the council shall be appointed for a term of no more than three years. Each member of the council, other than the representative of the client assistance program, shall serve for no more than two consecutive full terms. A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term and may serve one additional three-year term. The terms of service of the members initially appointed is to be for a varied number of years to ensure that terms expire on a staggered basis.

**56.12(4) Vacancies.** The governor will fill a vacancy in council membership.

**56.12(5) Functions.** The council, after consulting with the state workforce development board, performs the functions set forth in 34 C.F.R. section 361.17(h).

**56.12(6) Meetings.** The council must convene at least four meetings a year. The meetings must be publicly announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session. The council's meetings are subject to Iowa Code chapter 21, the open meetings law.

**56.12(7) Forums or hearings.** The council shall conduct forums or hearings, as appropriate, that are publicly announced, open, and accessible to the public, including individuals with disabilities.

**56.12(8) Conflict of interest.** No member of the council may cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under state law.

**56.12(9) Specific implementation clause.** This rule is intended to implement 34 CFR Sections 361.16 and 361.17.

**281—56.13(259) Iowa self-employment program: purpose.** The division of vocational rehabilitation services works in collaboration with the department for the blind to administer the Iowa self-employment (ISE) program. The purpose of the program is to provide business development funds in the form of technical assistance (up to \$10,000) and financial assistance (up to \$10,000) to qualified Iowans with disabilities who start, expand, or acquire a business within the state of Iowa. Actual assistance is based on the requirements of the business, not to exceed the technical assistance and financial assistance limits.

**281—56.14(259) Program requirements.**

**56.14(1)** Clients of the division or the department for the blind may apply for the program.

**56.14(2)** All of the following conditions are also applicable:

*a.* The division may limit or deny ISE assistance to an applicant who has previously received educational or training equipment from the division through another rehabilitation program when such equipment could be used in the applicant's proposed business.

*b.* Any equipment purchased for the applicant under this program that is no longer used by the applicant may be returned to the division, at the discretion of the division.

*c.* An applicant must demonstrate that the applicant has at least 51 percent ownership in a for-profit business that is actively owned, operated, and managed in Iowa.

*d.* Recommendation for and approval of financial assistance are based upon acceptance of a business plan feasibility study and documentation of the applicant's ability to match dollar-for-dollar the amount of funds requested.

*e.* To receive financial support from the ISE program, the applicant's business plan feasibility study is to result in self-sufficiency for the applicant as measured by earnings that equal or exceed 80 percent of substantial gainful activity.

*f.* The division cannot support the purchase of real estate or improvements to real estate.

*g.* The division cannot provide funding to be used as a cash infusion, for personal or business loan repayments, or for personal or business credit card debt.

*h.* The division may deny ISE assistance to an applicant who desires to start, expand, or acquire any of the following types of businesses:

(1) A hobby or similar activity that does not produce income at the level required for self-sufficiency;

(2) A business venture that is speculative in nature or considered high risk by the Better Business Bureau or similar organization;

(3) A business registered with the federal Internal Revenue Service as a Section 501(c)(3) entity or other entity set up deliberately to be not for profit;

(4) A business that is not fully compliant with all local, state, and federal zoning requirements and all other applicable local,

state, and federal requirements;

- (5) A multitiered marketing business.

#### **281—56.15(259) Application procedure.**

**56.15(1) Application.** Application materials for the program are available from the division and the department for the blind.

**56.15(2) Submittal.** Completed applications will be submitted to a counselor employed by the division or the department for the blind.

**56.15(3) Review.** Applications will be forwarded to a business development specialist employed by the division for review. Approval of technical assistance funding is based upon the results of a business plan feasibility study. If the application is for financial assistance only, a business plan feasibility study will be required at the time of submission of the application. Approval of financial assistance funding is based upon acceptance of a business plan feasibility study and documentation of the applicant's ability to match dollar-for-dollar the amount of funds requested.

**56.15(4) Funding.** Before the division will provide funding for a small business, the job candidate must complete an in-depth study about the business the job candidate intends to start and demonstrate that the business is feasible.

**56.15(5) Appeal.** If an application is denied, an applicant may appeal the decision to the division or the department for the blind. An appeal is governed by the appeal processes of the division or the department for the blind.

#### **281—56.16(259) Award of technical assistance funds.**

**56.16(1) Awards.** Technical assistance funds may be used for specialized consulting services as determined necessary by the counselor, the business development specialist, and the job candidate. Technical assistance funds may be awarded, based on need, up to a maximum of \$10,000 per applicant. Specialized technical assistance may include, but is not limited to, engineering, legal, accounting, and computer services and other consulting services that require specialized education and training.

**56.16(2) Technical assistance.** When technical assistance is needed for specialized services beyond the expertise of the business development specialist, technical assistance will be provided to assist the job candidate.

**56.16(3) Technical assistance contracts.** The division shall negotiate contracts with qualified consultants for delivery of services to an applicant if specialized services are deemed necessary. The contracts are to state hourly fees for services, the type of service to be provided, and a timeline for delivery of services. Authorization of payment will be made by a counselor employed by the division or the department for the blind based upon the negotiated rate as noted in the contract. A copy of each contract will be filed with the division.

**56.16(4) Consultants.** Applicants will be provided a list of qualified business consultants by the business development specialist if specialized consultation services are necessary. The selection of the consultant(s) is the responsibility of the applicant.

**56.16(5) Case management.** The business development specialist or counselor will be available as needed for direct consultation to each applicant to ensure that quality services for business planning are provided in a timely manner.

**281—56.17(259) Business plan feasibility study procedure.** Information and materials are available from the division and the department for the blind. The job candidate is to submit the job candidate's business plan feasibility study to the job candidate's counselor if the study is completed at the time application is made or to the business development specialist if the business plan feasibility study is completed after application approval. The business development specialist is available to guide and assist in the analysis of the feasibility study.

#### **281—56.18(259) Award of financial assistance funds.**

**56.18(1) Awards.** Following the business development specialist's review of the business plan feasibility study, the business development specialist will issue a recommendation to support or not to support the proposed business venture. The counselor is to make a decision regarding approval or denial of the recommendation. If the plan is approved, the job candidate and counselor will review conditions of the financial assistance award and sign the appropriate forms of acknowledgment.

*a.* Financial assistance funds may be awarded, based on need, up to \$10,000 after approval of a business plan feasibility study and evidence of business need or evidence of business progression. Before receiving financial assistance, the job candidate must demonstrate a dollar-for-dollar match based on the amount of funding needed. The match may be provided through approved existing business assets, cash, conventional financing or other approved sources.

*b.* Financial assistance funds may be approved for, but are not limited to, equipment, tools, printing of marketing materials, advertising, rent (up to six months), direct-mail postage, raw materials, inventory, insurance (up to six months), and other approved start-up, expansion, or acquisition costs.

**56.18(2) Award process.** The amount that may be recommended by the business development specialist and approved by the counselor will be provided when there is a need. Recipients of financial assistance must demonstrate ongoing cooperation by providing the business development specialist with financial information needed to assess business progress before additional funds are expended.

**56.18(3) *Financial assistance contracts.*** Contracts for financial assistance funds is the responsibility of the division and will be consistent with the authorized use of Title I vocational rehabilitation funds and policy.

**56.18(4) *Vendors.*** Procurement of goods or services will follow procedures established by the department of administrative services. The type of goods or services to be obtained, as well as a timeline for delivery of such, are to be stated by the vendor and agreed upon by the division. Authorization for goods or services shall be made by a counselor employed by the division or the department for the blind based upon the negotiated rate and terms as noted in the contract. A copy of each contract is to be filed with the division. Approval for payment of authorized goods or services is to be made by authorized division personnel.

These rules are intended to implement Iowa Code chapter 259; the federal Rehabilitation Act of 1973, as amended; and the federal Social Security Act (42 U.S.C. Section 301 et seq.), as amended.