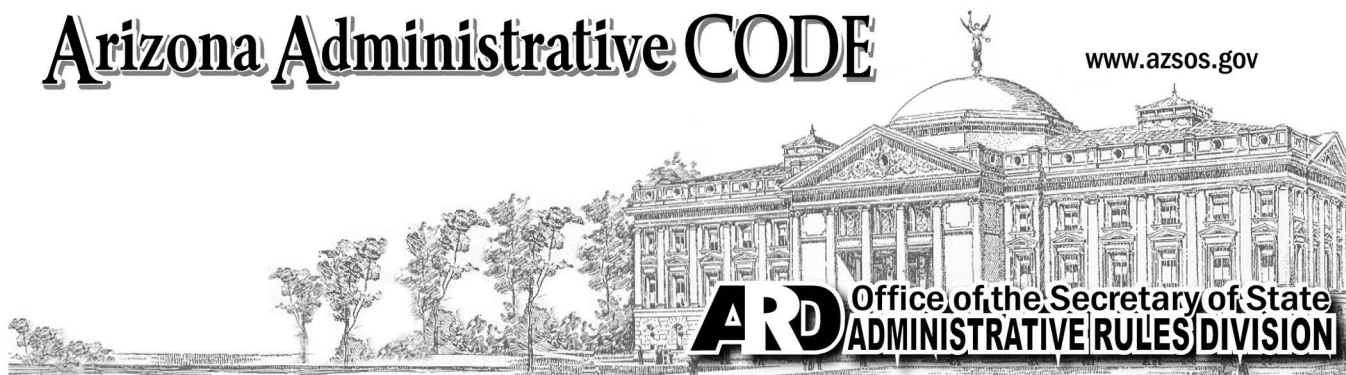




TITLE 6. ECONOMIC SECURITY
CHAPTER 4. DEPARTMENT OF ECONOMIC SECURITY - REHABILITATION SERVICES
6 A.A.C. 4

Supplement Information
Supp. 25-3

Rules codified between July 1, 2025 through September 30, 2025 are underlined in this Chapter's table of contents.

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The release of this Chapter in Supp. 25-3 replaces Supp. 13-3, 1-23 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “*Rule*’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2025 is cited as Supp. 25-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. The Office links to these codified Sections in the Table of Contents of this Chapter.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division

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TITLE 6. ECONOMIC SECURITY

CHAPTER 4. DEPARTMENT OF ECONOMIC SECURITY - REHABILITATION SERVICES

Supp. 25-3

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Article 4, consisting of Sections R6-4-401 through R6-4-405, repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

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Article 6, consisting R6-4-601 through R6-4-608, expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

Editor's Note: The Section headings for R6-4-601 through R6-4-608 were inadvertently changed to "Expired" in Supp. 04-1. The correct headings have been restored (Supp. 04-2).

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Article 7, consisting of R6-4-701 through R6-4-707, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

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TITLE 6. ECONOMIC SECURITY

CHAPTER 4. DEPARTMENT OF ECONOMIC SECURITY - REHABILITATION SERVICES

ARTICLE 1. STATE AGENCY ADMINISTRATION

R6-4-101. Definitions and Location of Definitions

- A. Location of Definitions. Definitions applicable to Chapter 4 are found in the following:

Definition	Section or Citation
"Appeal"	R6-4-101(B)
"Business Enterprise Program" or "BEP"	R6-4-101(B)
"Business Facility"	R6-4-101(B)
"Competitive Integrated Employment"	34 CFR 361.5
"Director"	A.R.S. § 23-501
"Employment Outcome"	34 CFR 361.5
"Hearing"	R6-4-101(B)
"Hearing Officer"	A.R.S. § 23-609.01
"Individualized Plan for Employment" or "IPE"	R6-4-101(B)
"Legally Blind"	R6-4-101(B)
"Rehabilitation Services Administration" or "RSA"	R6-4-101(B)
"RSA Administrator"	R6-4-101(B)
"Vending Facility"	34 CFR 395.1
"Vocational Rehabilitation" or "VR"	A.R.S. § 23-501
"VR Client"	R6-4-101(B)
"VR Staff"	R6-4-101(B)

- B. The following definitions apply to Chapter 4:

- "Appeal" means a request for formal review and resolution of any decision made by VR or BEP.
- "Business Enterprise Program" or "BEP" means an organizational unit of the Department that provides opportunities for an individual who is Legally Blind to operate a Business Facility under the authority of A.R.S. §§ 23-504(a) and 23-504(b).
- "Business Facility" means a particular place of merchandising identified by the BEP that provides an opportunity to operate a Vending Facility.
- "Hearing" means a formal administrative proceeding conducted by an impartial Hearing Officer in the Office of Appeals.
- "Individualized Plan for Employment" or "IPE" means a written program of services that comprehensively documents the purpose, responsibilities, services, service providers, intermediate objectives, and Employment Outcome necessary for successful rehabilitation.
- "Legally Blind" means an individual's determination by an ophthalmologist that indicates the individual has:
 - No vision or acuity;
 - Central vision acuity of 20/200 or less in the better eye, with the best correction by single magnification; or
 - A field defect in which the peripheral field has been contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees.
- "Rehabilitation Services Administration" or "RSA" means the organizational unit within the Department that is responsible for administering VR and BEP.
- "RSA Administrator" means a Department employee who oversees the functions and operations of VR and BEP.
- "VR Client" means an individual who receives services from VR.
- "VR Staff" means an employee who works in VR.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1). New Section R6-4-101 renumbered from R6-4-104 and amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-102. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-103. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-104. Renumbered**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section R6-4-104 renumbered to R6-4-101 by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-105. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-106. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

ARTICLE 2. PROVISION OF THE VOCATIONAL REHABILITATION PROGRAM

This Article contains the rules that pertain to the provision of services to individuals under the state/federal Vocational Rehabilitation program.

R6-4-201. Definitions and Location of Definitions

- A. Location of Definitions. Definitions applicable to this Article are found in the following:

Definition	Section or Citation
"Affirm"	R6-4-201(B)
"Appeal"	R6-4-101(B)
"Appellant"	R6-4-201(B)
"Applicant"	R6-4-201(B)
"Assessment"	R6-4-201(B)
"Authorized Representative"	R6-4-201(B)
"Auxiliary Aids and Services"	28 CFR 35.104
"Business Day"	R6-4-201(B)
"Clear and Convincing Evidence"	34 CFR 361.42
"Client Assistance Program"	R6-4-201(B)
"Comparable Services and Benefits"	34 CFR 361.5
"Competitive Integrated Employment"	R6-4-101(B)
"Department" or "DES"	A.R.S. § 23-501
"Employment Outcome"	R6-4-101(B)
"Family Member"	34 CFR 361.5
"Functional Capacities"	R6-4-201(B)

TITLE 6. ECONOMIC SECURITY

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"Hearing"	R6-4-101(B)
"Hearing Officer"	R6-4-101(A)
"Individualized Plan for Employment" or "IPE"	R6-4-101(B)
"Informed Choice"	R6-4-201(B)
"Integrated Setting"	34 CFR 361.5
"Mediation"	34 CFR 361.5
"Office of Appeals"	R6-4-201(B)
"One-Stop Center"	29 U.S.C. 3102
"Order of Selection" or "OOS"	R6-4-201(B)
"OOS Priority Category"	R6-4-201(B)
"Party"	R6-4-201(B)
"Physical or Mental Impairment"	34 CFR 361.5
"Post-employment Services" or "PES"	34 CFR 361.5
"Pre-employment Transition Services"	34 CFR 361.5
"Primary Source Information"	R6-4-201(B)
"Remand"	R6-4-201(B)
"Reverse"	R6-4-201(B)
"Qualified and Impartial Mediator"	34 CFR 361.5
"Qualified Personnel"	R6-4-201(B)
"RSA"	R6-4-101(B)
"RSA Administrator"	R6-4-101(B)
"RSA Ombudsman"	R6-4-201(B)
"Secondary Source Information"	R6-4-201(B)
"State Plan"	29 CFR 3102
"Substantial Impediment to Employment"	34 CFR 361.5
"Trial Work Experience"	R6-4-201(B)
"VR"	R6-4-101(B)
"VR Application Form"	R6-4-201(B)
"VR Client"	R6-4-101(B)
"VR Staff"	R6-4-101(B)

B. The following definitions apply to Article 2 of this Chapter:

- "Affirm" means to uphold a decision or determination issued by another authority including VR, BEP, or the Office of Appeals.
- "Appellant" means a person, entity, or group of persons who has filed an Appeal or otherwise requested a Hearing to review and resolve a decision made by VR.
- "Applicant" means an individual who submits an application under R6-4-202.
- "Assessment" means the same as "Assessment for Determining Eligibility and Vocational Rehabilitation Needs" as defined under 34 CFR 361.5(c)(5).
- "Authorized Representative" means any adult designated by an individual to represent the individual, 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 individual's Authorized Representative.
- "Business Day" means Monday through Friday, excluding holidays as listed under A.R.S. § 1-301.
- "Client Assistance Program" means a program authorized under 29 U.S.C. 732, which is independent of the State VR and that provides information, advocacy, and legal representation to an individual seeking VR services from the State VR.
- "Functional Capacities" means an individual's ability to function in terms of an Employment Outcome in the following areas:
 - Communication, including an individual's ability to understand others, to intelligibly and coherently express thoughts, to read and write sufficiently for work-related activities, or to access job information without assistive technology or accommodation.
 - Interpersonal skills, including an individual's ability to establish and maintain relationships with others at a level that allows the individual to participate in work-related activities.
 - Mobility, including an individual's physical ability to perform a required task, as well as an individual's ability to understand and process a required task to completion to get to work from home and to move around a work site or participate in work activities.
 - Self-care, including an individual's ability to make decisions that do not harm self or others and to perform activities of daily living such as eating, hygiene, health care, and dressing at a level that allows the individual to participate in work activities.
 - Self-direction, including an individual's ability to make positive adjustments to disability-related limitations, to identify logical steps to accomplish activities and goals, and to make decisions in one's own best interest at a level that allows the individual to participate in work activities.
 - Work skills, including an individual's ability to follow instructions and meet employment expectations, such as maintaining good attendance, learning, and performing job tasks with minimal assistance.
 - Work tolerance, including an individual's ability to meet the demands of participating in work-related activities, such as maintaining physical or mental stamina and working at a pace consistent with other employees in the same work-related activity.
- "Informed Choice" means a decision-making process in which an Applicant or VR Client analyzes relevant information and selects, with the assistance of VR, an Employment Outcome, intermediate objectives, services, and service providers.
- "Office of Appeals" means the authority within the DES Appellate Services Administration that conducts a Hearing on an Appeal as authorized by law.
- "Order of Selection" or "OOS" means an organized and equitable method for serving groups of VR Clients in a priority order if all individuals cannot be served.
- "OOS Priority Category" means one of three categories the Department uses to prioritize services to VR Clients based on the extent to which a VR Client's Physical or Mental Impairment restricts Functional Capacities in terms of an Employment Outcome, expected service needs, and length of time the VR Client is expected to require VR services.
- "Party" means an Appellant or the Department.
- "Primary Source Information" means all information that VR has acquired through personal interaction with an individual and evaluations or reports done at VR Staff's request and written specifically for VR.
- "Qualified Personnel" means an individual qualified to diagnose and document the existence of disability under applicable national or state certification, licensing, registration, or other comparable requirement that applies to the profession or discipline.
- "Remand" means to send back a case to the authority that issued the decision or determination, including VR, BEP, or the Office of Appeals, for further action.

TITLE 6. ECONOMIC SECURITY

CHAPTER 4. DEPARTMENT OF ECONOMIC SECURITY - REHABILITATION SERVICES

17. "Reverse" means to change a decision or determination issued by another authority, including VR, BEP, or the Office of Appeals that results in a conclusion opposite to the original decision or determination.
18. "RSA Ombudsman" means an employee of the Department who is assigned to investigate a complaint or a request for an Appeal received from an Applicant or VR Client about VR decisions and to facilitate the process from the receipt of a complaint or request for an Appeal through final resolution.
19. "Secondary Source Information" means all information other than Primary Source Information that VR acquires and is not originally created for the use of VR.
20. "Trial Work Experience" means a functional evaluation of skill development activities under 34 CFR 361.42(e).
21. "VR Application Form" means a document approved by the Department that allows an individual to request VR services.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section repealed; new Section R6-4-201 made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-202. Application for VR

- A. An individual who is an Arizona resident or who is present and available in Arizona may apply for VR.
- B. The VR Application Form shall include authorization for VR to obtain and release personal information as needed to administer VR.
- C. VR shall consider a VR Application Form submitted when an individual:
 1. Has completed and signed a VR Application Form, or has completed a common intake application form in a One-Stop Center and has requested VR services; and
 2. Has provided VR with information necessary for VR Staff to conduct an Assessment and is available to complete the Assessment so that VR is able to determine the individual's eligibility and OOS Priority Category for VR services.
- D. The parent or legal guardian of an individual under the age of 18 shall sign VR documents on behalf of the individual and shall be involved in decisions regarding VR services to the individual. An individual who has reached the age of 18 and who has not had a legal guardian appointed may sign the VR Application Form and any other VR documents requiring signature on the individual's own behalf.
- E. The date of application submittal recorded for an individual shall be the earliest date on which the application requirements described in this section have been met and the signed VR Application Form has been received in a local VR office.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section repealed; new Section R6-4-202 made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-203. Eligibility for VR

- A. An Applicant for VR services shall participate in an Assessment and a determination of OOS Priority Category. The Assessment shall be conducted as required under 34 CFR 361.42.
- B. VR shall consider an Applicant eligible for VR when VR Staff determine that all of the following are met:

1. Basic requirements.
 - a. Qualified Personnel have diagnosed the Applicant with a Physical or Mental Impairment;
 - b. An Applicant's Physical or Mental Impairment constitutes or results in a Substantial Impediment to Employment; and
 - c. An Applicant requires VR services to prepare for, secure, retain, or regain an Employment Outcome consistent with the Applicant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and Informed Choice.
2. Presumption of ability to benefit. VR shall presume that an Applicant who meets the eligibility requirements in subsection (B)(1) would benefit from VR services in terms of achieving an Employment Outcome unless Clear and Convincing Evidence demonstrates that the Applicant is incapable of benefiting from VR services in terms of an Employment Outcome. The demonstration of Clear and Convincing Evidence shall include, if appropriate, a Trial Work Experience, with any necessary supports, including assistive technology, in real life settings.
- C. VR shall consider an Applicant whose current eligibility for Social Security benefits under Title II or Title XVI of 42 U.S.C. 7 (Social Security Act) has been verified by VR Staff, to be presumed eligible for VR services under subsection (B) and considered at least a Priority 2 under R6-4-204(D)(2).
- D. VR shall determine an Applicant's eligibility within 60 calendar days from the date an Applicant submits a VR Application Form to VR, under R6-4-202(C), unless:
 1. Under 34 CFR 361.42, exceptional and unforeseen circumstances beyond VR's control preclude making an eligibility determination within 60 calendar days and a specific extension of time has been agreed upon by appropriate VR Staff and the Applicant; or
 2. An Applicant's ability to benefit from VR services in terms of achieving an Employment Outcome cannot be presumed due to the significance of disability and an exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out under 34 CFR 361.42(e) precludes making an eligibility determination within 60 calendar days.
- E. If VR determines that an Applicant or VR Client does not meet, or no longer meets eligibility requirements in subsection (B)(1) and (2), VR shall:
 1. Offer the individual opportunity for consultation;
 2. Inform the individual, in writing, of the determination and reasons for the determination;
 3. Provide the individual with a notice of case closure, Appeal rights, and Client Assistance Program information;
 4. Refer the individual to federal, state, or local programs, service providers, and programs available through the one-stop service delivery system; and
 5. Review within 12 months, and annually thereafter, if requested by the individual, any ineligibility determination that is based on findings that the individual is incapable of achieving an Employment Outcome.
- F. VR Staff shall not discriminate against any Applicant or VR Client, as required under state and federal laws.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section repealed; new Section R6-4-203 made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

TITLE 6. ECONOMIC SECURITY

CHAPTER 4. DEPARTMENT OF ECONOMIC SECURITY - REHABILITATION SERVICES

R6-4-204. Order of Selection

- A.** VR shall use the information from the Assessment to the greatest extent possible when determining a VR Client's OOS Priority Category.
- B.** VR shall obtain additional evaluations from Qualified Personnel if existing records are not available or are insufficient to determine an OOS Priority Category.
- C.** VR shall determine a VR Client's OOS Priority Category by evaluating how the individual's disability restricts Functional Capacities in terms of employment and VR services needed to address any restrictions of those Functional Capacities.
- D.** VR shall assign a VR Client to an appropriate OOS Priority Category after determining eligibility and prior to planning and implementing an IPE. The OOS Priority Categories are:
 - 1. Priority 1: Most Significant Disability – a VR Client who:
 - a. Has a severe Physical or Mental Impairment that seriously restricts three or more Functional Capacities in terms of an Employment Outcome; and
 - b. Is expected to require two or more VR services provided over an extended period of time to achieve an Employment Outcome.
 - 2. Priority 2: Significant Disability – a VR Client who:
 - a. Has a severe Physical or Mental Impairment that seriously restricts one or two Functional Capacities in terms of an Employment Outcome;
 - b. Is expected to require two or more VR services provided over an extended period of time to achieve an Employment Outcome; and
 - c. Is a person with one or more of the disabilities listed in 34 CFR 361.5(c)(30)(iii).
 - 3. Priority 3: All other VR Clients with a disability who do not meet the criteria for Priority 1 or Priority 2.
- E.** When sufficient funds are not available for VR to provide the full range of VR services to all VR Clients, VR shall develop and implement the VR Client's IPE in priority order based on the application date identified in R6-4-202(D).
 - 1. Priority 1 is served first, Priority 2 is served after all VR Clients in Priority 1 are served, and Priority 3 is served after all VR Clients in Priority 1 and Priority 2 are served.
 - 2. A VR Client assigned to an OOS Priority Category who is not being served shall be notified that the individual is on a waitlist for VR services. VR shall provide the eligible Applicant information on, and a referral to, federal, state, and local resources.
- F.** VR shall not place a VR Client on the waitlist if the VR Client's IPE is implemented prior to the date the Department determines funding is not available to serve a VR Client in that VR Client's OOS Priority Category.
- G.** If a VR Client does not have an implemented IPE on the date the Department determines funding is not available to serve a VR Client in the identified OOS Priority Category, the VR Client shall be placed on a waitlist.
- H.** VR shall continue to provide Pre-employment Transition Services, regardless of OOS Priority Category, to students with disabilities who were receiving Pre-employment Transition Services prior to being determined eligible for VR services. Pre-employment Transition Services are subject to the availability of funding.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section R6-4-204 repealed; new Section R6-4-204 renumbered from R6-4-401 and amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-205. Individualized Plan for Employment

- A.** Development of the IPE.
 - 1. VR shall inform the VR Client that the IPE may be developed on the VR Client's own or with support and assistance from one or more of the following:
 - a. A VR counselor employed by VR;
 - b. A VR counselor not employed by VR;
 - c. A disability advocacy organization; or
 - d. A Family Member, advocate, Authorized Representative, or other individual.
 - 2. The IPE is developed, to the extent possible, using data from the Assessment or data gathered from additional Assessment activities when additional data is necessary to establish the VR Client's Employment Outcome and nature and scope of VR services to be included in the IPE.
 - 3. The final IPE shall be prepared on RSA-approved forms and submitted to appropriate VR Staff for review and approval prior to the provision of services identified on the IPE.
- B.** Approval of the IPE.
 - 1. VR, through the review of original documents, shall verify that a VR Client is legally eligible to work in the United States, under the requirements of Employment Eligibility Verification set forth by the Department of Homeland Security, United States Citizenship and Immigration Services, prior to approving an IPE. If VR is unable to verify that the VR Client is legally eligible to work in the United States, VR shall provide a written notice to the VR Client stating that the VR Client's case is being closed, the reason for the case closure, and how the VR Client may request an Appeal.
 - 2. VR shall review the IPE and verify:
 - a. The chosen Employment Outcome is consistent with the information and results of the Assessment;
 - b. The chosen Employment Outcome does not violate federal or state law;
 - c. The services identified on the IPE are necessary for the VR Client to obtain the specific Employment Outcome; and
 - d. All required elements of the IPE are complete.
 - 3. An IPE is approved and VR services may be implemented when the IPE is signed by the VR Client.
 - 4. VR shall implement an IPE as required under 34 CFR 361.45 and 361.46:
 - a. Within 90 calendar days from the date of eligibility determination for each VR Client who is not on a waitlist for VR services; or
 - b. Within 90 calendar days after the date that the VR releases the VR Client from the waitlist unless a specific extension of time has been agreed upon by appropriate VR Staff and the VR Client.
- C.** Review and amendment of the IPE.
 - 1. VR and a VR Client shall review the IPE at least annually from the time the IPE is approved to assess the VR Client's progress in achieving the established milestones, timelines, and specific Employment Outcome identified in the IPE.
 - 2. As described in the VR Client's IPE, a VR Client shall maintain contact with VR as requested by VR Staff, actively participate in VR, and meet intermediate objectives outlined in the IPE necessary toward achieving the specific Employment Outcome identified in the IPE to continue receiving VR services.

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3. VR and a VR Client shall attempt to address any barrier to the VR Client's progress in achieving the intermediate objectives outlined in the IPE and specific Employment Outcome identified in the IPE prior to amending the IPE or interrupting provision of VR services.
4. If a barrier to progress in achieving the intermediate objectives outlined in the IPE and specific Employment Outcome identified in the IPE cannot be resolved by VR or the VR Client, VR services may be interrupted until the barrier is resolved to the satisfaction of VR. If VR services are interrupted by VR, the VR Client may Appeal the interruption of VR services.
5. If VR services are interrupted and the VR Client submits an Appeal regarding the interruption of VR services, VR shall continue provision of VR services as identified in the current and approved IPE until the Appeal is resolved under R6-4-209 and R6-4-210.
6. A VR Client and VR shall amend the IPE as necessary and appropriate when there are changes to the VR Client agreed upon Employment Outcome, VR services to be provided, or service providers.
7. Amendments to an IPE and the provision of new VR services shall not take effect until agreed upon and signed by both the VR Client and appropriate VR Staff.
3. Basic living expenses (food, shelter, clothing, hygiene products) that are not in excess of a VR Client's normal expenses due to the VR Client's participation in VR;
4. General living costs resulting from a loss of income due to participation in VR services or a self-employment plan;
5. A service that is available from another agency or organization as a comparable benefit when the use of comparable benefits is required;
6. A service based on economic need for an individual who does not meet VR's economic need criteria as described in subsection (D);
7. A salary, wage, or payment for an individual in a self-employment plan or the individual's employees;
8. A self-employment business venture that is illegal, high-risk, or shows minimal chance of profitability;
9. Co-signing or underwriting of a loan or refinancing of any debt;
10. Multiple self-employment businesses;
11. Operating capital, franchise fees, and support for non-profit businesses (self-employment);
12. Legal service fees, attorney fees, court fines, or traffic tickets;
13. A vehicle purchase, lease, rental fee, monthly vehicle payment, or registration;
14. Businesses or services that are determined to be illegal by federal or state law;
15. Purchase of a residence, land, construction, or major modification of a building;
16. A treatment service that is not medically and vocationally necessary to achieve the Employment Outcome, as identified in the most current approved IPE; and
17. An experimental, high-risk, or controversial treatment procedure.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-206. Provision of VR Services**A. General provisions.**

1. VR shall provide allowable services required under 34 CFR 361 that are necessary to assess an Applicant's eligibility and OOS Priority Category, develop a VR Client's IPE, or assist a VR Client in preparing for, securing, retaining, advancing, or regaining an Employment Outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and Informed Choice of the VR Client as identified in the most current and approved IPE. VR shall ensure that all goods and services purchased by VR are necessary to the Employment Outcome and documentation is available to support the expenditure.
2. VR shall give preference to an in-state service of the lowest cost, provided the preference does not effectively deny a VR Client a necessary service. If a VR Client chooses to engage in a service at a higher cost than an in-state service of the lowest cost when either service would meet the VR Client's rehabilitation needs:
 - a. The service shall be provided within the continental United States; and
 - b. The individual is responsible for costs in excess of the cost of the in-state service of the lowest cost.
3. Involvement in VR does not entitle an individual to any specific VR services.

B. The following are not considered VR services and shall not be provided by VR:

1. Reimbursement to a VR Client for debts and expenses incurred that have not been agreed to and that are not included on an authorization or in the current approved IPE;
2. Ongoing or long-term support of a self-employment business venture;

C. Procurement of services.

1. VR shall adhere to the applicable federal, state, Department, and VR laws, regulations, policies, and procedures;
2. VR shall inform individuals that selected services, service providers, and methods of procuring services shall be:
 - a. Made as required under applicable federal, state, Department, and VR laws, regulations, policies, and procedures;
 - b. Necessary under with subsection (A)(1) including to determine eligibility, assess rehabilitation needs, or achieve the Employment Outcome as identified in the most current approved IPE; and
 - c. Agreed upon by an Applicant or VR Client and VR.
3. VR shall only authorize, purchase, and pay for a service contained in the most current approved IPE,
4. Any service shall be authorized, purchased, and paid for as required under established procurement laws, regulations, methodologies, fee schedules, or contracts applicable to VR.
5. VR shall not reimburse any entity or be held responsible for any expense that has not been approved and authorized, in writing, by VR Staff.

D. Economic need.

1. VR shall:
 - a. Require that an individual's economic need be determined if the individual requires VR's support for any service other than those listed in 34 CFR 361.54(b)(3) at the time of eligibility determination or the individual provides a current award letter ver-

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ifying the receipt of Social Security benefits under Title II or Title XVI of 42 U.S.C. 7 (Social Security Act).

- b. Calculate an individual's total monthly income using one of the following:

i. Household adjusted gross income as identified on the individual's most current state or United States federal income tax statement filed, or required to be filed, by the individual or, if the individual is claimed as a dependent by another person, the person who claimed the individual as a dependent, divided by 12.

ii. Current pay stubs or bank statements that show a direct deposit of income, or another form of financial documentation that shows the income of the individual or, if the individual is supported by another person, the person who supports the individual.

- c. Subtract any disability related expenditures paid for by the VR Client and that are not otherwise reimbursed from the total income if the individual, or the person who supported or claimed the individual as a dependent:

i. Paid the expenditure;
 ii. Provides evidence that these expenditures are not claimed deductions on income tax statements;
 iii. Does not receive reimbursement for the expenses from any other public or private source; and
 iv. Provides documentation that verifies the disability-related expenditures were paid during the tax year in which economic need is being determined.

- d. Redetermine an individual's economic need status prior to the provision of PES when there is a change in the individual's finances, and the redetermination will benefit the VR Client.

- e. Determine that an individual does not meet economic need if the individual does not provide the required documentation to support an economic need determination.

2. VR shall not count an individual's past year's earnings toward computing economic need if the individual or the person who supported or claimed the individual as a dependent on the most recent state or federal tax return provides proof that the individual is no longer employed.

3. An individual shall report any changes in the individual's finances to VR within 20 calendar days of the change.

E. Comparable Services and Benefits.

1. VR and an Applicant or VR Client shall explore, apply for, and use Comparable Services and Benefits, including accommodations and Auxiliary Aids and Services that are provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits prior to the provision of all VR services, except for the following services:

a. Assessment for determining eligibility and VR needs;
 b. Counseling and guidance, including information and support services to assist an individual in exercising Informed Choice;
 c. Information and referral services to secure needed services from other agencies;

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

e. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and

f. PES.

2. VR and Applicant or VR Client shall, at a minimum, explore, apply for, and use the following Comparable Services and Benefits, when available:

a. Medicaid/Medicare;
 b. Pell grant or other available grants;
 c. Any non-merit-based scholarship;
 d. Private or other type of medical insurance;
 e. Veterans Administration, for healthcare and rehabilitation center programming;
 f. Worker's compensation, if a person has been injured on the job; and
 g. State or federally funded child care.

3. VR shall require that Comparable Services and Benefits be used if it meets an individual's disability or employment needs.

a. If it is known that Comparable Services and Benefits exist but is not available at the time needed to ensure the timely progress of an individual towards achieving an Employment Outcome, VR shall provide a service until Comparable Services and Benefits become available.

b. VR shall begin using Comparable Services and Benefits that become available at any time during VR service provision.

c. VR shall not provide a service when an individual refuses or fails to make a formal application for Comparable Services and Benefits to pay all or part of the cost of the service, or when an individual refuses to accept Comparable Services and Benefits that are available to an individual.

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-207. Closure or Exit from VR

- A.** VR shall cease provision of VR services and close an individual's VR case when the individual:

1. Is not available to participate in services for 90 calendar days or longer. This includes an individual's stay in jail, prison, a nursing home, a hospital, or a residential treatment center; involvement in medical treatment; active military duty; religious service; or death;

2. Chooses not to participate or continue engaging in VR services to obtain employment;

3. Creates a barrier to beginning or continuing VR services necessary for employment, including declining to participate in VR services and Assessment activities for eligibility determination and service planning, failing to keep appointments for evaluations, counseling, or other services, and failing to make progress toward achievement of intermediate objectives and Employment Outcome as identified on the individual's IPE;

4. Is determined to no longer meet eligibility criteria, at any time, for any of the following reasons:

a. The individual does not have a Physical or Mental Impairment;

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- b. The individual's Physical or Mental Impairment does not constitute a Substantial Impediment to Employment;
- c. The individual does not require VR services to prepare for, enter into, engage in, or retain an Employment Outcome; or
- d. The individual's disability is too significant to benefit from VR services in terms of achieving an Employment Outcome;
- 5. Achieves Competitive Integrated Employment and maintains employment for 90 calendar days;
- 6. Chooses to accept employment in a non-integrated or sheltered setting that provides compensation as required under 29 U.S.C. 8 (Fair Labor Standards Act);
- 7. Requires long-term support to maintain employment after exiting VR, but no source of long-term support is available or expected to be available upon completion of VR services; or
- 8. Cannot be located or has not responded to contact from VR.
- B. An individual whose VR case has been closed shall be required to apply and have the individual's eligibility determined under R6-4-202 and R6-4-203 if future VR services are requested.

Historical Note

New Section made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-208. Confidentiality and Release of Information

- A. VR shall maintain and use all information collected from an individual as required under federal, state, and Department laws, regulations, policies, and procedures.
- B. Release of information. VR shall release requested Primary Source Information in a timely manner when requested in writing by an Applicant, VR Client, or Authorized Representative.
 - 1. Medical, psychological, or other information that VR determines as having the potential to be harmful to an Applicant or VR Client shall only be provided to an Applicant, VR Client, or Authorized Representative through a third-party, chosen by or agreed to by the individual, who can aid the individual in appropriately interpreting the information being provided.
 - a. VR shall release Primary Source Information to protect the individual or others when the individual poses a threat to the individual's own safety or to the safety of others;
 - b. VR shall release information to local or tribal law enforcement or protective services agencies, as required by law.
 - 2. VR shall only release an individual's information with the signed consent of the individual or the individual's legal representative except:
 - a. VR may release Primary Source Information and Secondary Source Information for purposes directly connected with the administration of the VR program. The information released shall not exceed the minimum information that is necessary to achieve the goals for which the information is being provided. Consent for this release is given by the individual when the VR Application Form is signed.
 - b. VR may release Primary Source Information in response to investigations in connection with law enforcement, fraud, or abuse unless prohibited by federal or state laws or regulations, and in response to an order issued by a judge, magistrate, or other authorized judicial officer.
- c. VR may release any document that communicates a VR decision in addition to any other document with consent of the VR Client.
- d. VR may release Primary Source Information as described under 34 CFR 361.38(d).
- C. An Applicant or VR Client who believes that information in the Applicant's or VR Client's record is inaccurate or misleading after review of requested information may request that the information be amended. If the information is not amended, the request for amendment shall be maintained in the Applicant's or VR Client's record.
- D. VR shall only request information that is directly relevant to an individual's eligibility, rehabilitation needs, and the success of the individual's rehabilitation program.

Historical Note

New Section made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-209. Overview of Appeals

- A. Overview of Appeals.
 - 1. An Applicant or VR Client may Appeal a decision made by VR that affects the provision of VR services.
 - 2. VR shall make the following Appeal resolution options available:
 - a. Informal review;
 - b. Mediation; or
 - c. Hearing.
 - 3. VR shall provide an Applicant or VR Client with a notice of Appeal rights and Client Assistance Program information when:
 - a. An individual applies for VR services;
 - b. VR makes a decision about eligibility for VR;
 - c. VR makes a decision regarding a VR Client's placement into an OOS Priority Category;
 - d. VR develops an IPE with the VR Client; and
 - e. At any time that VR makes a decision that affects the provision of VR services and intends to reduce, suspend, or terminate planned services or goods.
 - 4. An Applicant or VR Client may request case record documents as described under R6-4-208(B)(2) to use during the Appeal process.
 - 5. An Applicant or VR Client may be accompanied and represented by an Authorized Representative during the Appeal process and shall be notified of the availability of the Client Assistance Program. All expenses incurred for such representation, including legal fees, shall be the responsibility of the Applicant or VR Client.
 - 6. VR shall not suspend, reduce, or terminate VR services being provided to an individual, including evaluation and Assessment services and IPE development, pending a resolution of an Appeal unless:
 - a. The Appellant requests suspension, reduction, or termination of services; or
 - b. VR has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on part of the individual.
 - 7. The RSA Ombudsman or designee shall receive all Appeal requests and route the Appeal requests to the appropriate authority for disposition.

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B. Requests for Appeal: form; time limits; timeliness.

1. An Applicant or VR Client shall have 20 calendar days from the mailing or email date of a written decision letter from VR to submit a written request for Appeal to VR. VR shall accept a formal written request for an Appeal via mail, email, or fax.
2. An Applicant or VR Client shall submit a written request for an Appeal using:
 - a. A VR Appeal request form; or
 - b. Any other written communication that includes:
 - i. A description of the specific VR decision being appealed;
 - ii. The Appellant's contact information and signature;
 - iii. The date; and
 - iv. An indication of whether the Appellant is willing to resolve the issue through an informal review, Mediation, or Hearing. If the Appellant chooses only a Hearing, the Appellant shall indicate that the Appellant is declining all other options for resolution in the written request. VR shall deem failure to indicate whether the Appellant is willing to resolve the issue through an informal review or Mediation to be election of a Hearing only.

Historical Note

New Section made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-210. Appeal Resolution Options**A. Informal Review**

1. VR is responsible for resolving an informal review request.
2. The RSA Ombudsman shall notify the supervisor of the VR Staff who made the decision in dispute that an informal review has been requested within five calendar days of receipt of the informal review request.
3. The supervisor of the VR Staff who made the decision in dispute shall:
 - a. Contact the Appellant to obtain further information about the issue and reason for the request for informal review;
 - b. Conduct an informal review of the decision in dispute by reviewing the issue, information provided by the Appellant, case record documentation, and applicable laws, regulations, and policies to determine how to resolve the issue in dispute;
 - c. Notify the Appellant in writing of the informal review decision, notification of Appeal rights, and Client Assistance Program information within 20 calendar days from the date the request for Appeal was received by the RSA Ombudsman; and
 - d. Provide the RSA Ombudsman with a copy of the informal review decision letter.
4. The informal review decision shall be a written, comprehensive statement by the supervisor that includes:
 - a. A statement of the issue involved;
 - b. A clear and complete statement of fact as supported by evidence presented at the informal review;
 - c. A reference to all laws, regulations, and policies on which the decision is based;
 - d. A concise statement of the conclusion drawn, and the basis for such conclusions; and

- e. A clear statement of the action to be taken to implement the decision.

5. The Appellant shall have 20 calendar days from the date of the written decision letter to request a Mediation or Hearing.

B. Mediation

1. Participation in Mediation is voluntary for both the Appellant and VR.
2. VR is responsible for resolving a Mediation request in conjunction with the Arizona State Attorney General's Office, Civil Rights Division.
3. The RSA Ombudsman shall contact the Arizona State Attorney General's Office, Civil Rights Division to request a Mediation with a Qualified and Impartial Mediator.
4. The RSA Ombudsman shall contact all Parties involved, including the Arizona State Attorney General's Office, Civil Rights Division, VR Staff who made the decision being appealed and the VR Staff's supervisor, Appellant, and Authorized Representative to schedule an appointment to conduct Mediation.
 - a. A VR representative with the authority to approve and agree to the outcome of Mediation shall be present at all Mediations.
 - b. Discussions that occur during the Mediation process shall be confidential and shall not be used as evidence in any subsequent Hearing or civil proceeding.
5. An Appellant may choose to voluntarily withdraw the request for Mediation if a resolution is obtained prior to the date of the Mediation. The Appellant shall contact the RSA Ombudsman to voluntarily withdraw the request for Mediation.
6. If Mediation results in an agreement that resolves the issues, the Parties shall document the agreement in writing, sign the document, and all Parties shall receive a copy of the signed agreement.
7. If Mediation does not result in an agreement or if the Appellant, without notice, fails to appear at a scheduled Mediation, the Qualified and Impartial Mediator shall close the Mediation request and submit a notice to the Appellant and VR that the Mediation was closed.
 - a. The Appellant may contact the RSA Ombudsman or the Qualified and Impartial Mediator to request to reschedule the Mediation within 20 calendar days of the date of the originally scheduled Mediation; or
 - b. The Appellant may contact the RSA Ombudsman or the Office of Appeals to request within 20 calendar days of the date of the originally scheduled Mediation to schedule a Hearing.
8. If an Appellant does not request to reschedule a Mediation or request to schedule a Hearing within 20 calendar days after an agreement is not reached in Mediation or failing to appear at a scheduled Mediation, the Qualified and Impartial Mediator shall notify VR indicating the Mediation has been closed.

C. Hearing

1. General provisions.
 - a. The Hearing Officer shall rely on applicable federal and state laws to conduct the Hearing within 60 calendar days of the date the Office of Appeals received the Appeal and review and resolve the issue in dispute. These rules shall be interpreted and

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- administered to secure the just, speedy, and intended purpose of VR.
- b. Unless precluded by another provision of law, a person may waive any right conferred on that person or group by this Article.
2. Withdrawal of Hearing.
 - a. An Appellant may withdraw an Appeal by submitting a written request to withdraw to the RSA Ombudsman or the Office of Appeals at any time before the Hearing Officer issues a decision.
 - b. The Office of Appeals shall accept a withdrawal and dismiss the Appeal upon receipt of a request to withdraw an Appeal made in the manner provided in subsection (C)(2)(a) only if the Hearing Officer accepts the withdrawal and finds that the withdrawal has been voluntarily and knowingly requested.
 - c. Withdrawal of an Appeal is effective as soon as the withdrawal is processed by the Office of Appeals, but no later than 10 calendar days after receipt of the withdrawal.
 3. Effect of the decision.
 - a. The Hearing Officer shall issue a Hearing decision within 30 calendar days of the completion of the Hearing.
 - b. If the Hearing Officer issues a decision that Reverses VR's decision, VR shall not take the action.
 - c. If the Hearing Officer Remands the case to VR, the Remand shall include instructions from the Hearing Officer. VR shall comply with the instructions of the Hearing Officer.
 4. Review of decision by the Director.
 - a. If either the RSA Administrator or Appellant disagrees with the decision of the Hearing Officer, either Party may file a request for review of the Hearing Officer's decision by the Director by submitting a written request to the Office of Appeals within 20 calendar days of the mailing date of the Hearing Officer's decision.
 - b. The written request for review of a Hearing Officer's decision shall contain the Party's name, contact information, and a statement regarding the legal bases for the review.
 - c. The Office of Appeals shall notify all involved Parties within five calendar days of receipt that a request for review of the Hearing Officer's decision has been filed.
 - d. If an Appellant or RSA Administrator files a request for review of the Hearing Officer's decision, the other Party may submit a written response to the request for review of the Hearing decision to the Office of Appeals.
 - e. The Director shall, within 30 calendar days of receipt of the request for review of the Hearing Officer's decision:
 - i. Overturn the Hearing Officer's decision, or any part of the decision, only when the Director concludes that the decision of the Hearing Officer, based on Clear and Convincing Evidence, is erroneous based on the approved VR services portion of the State Plan; 29 U.S.C. 723; 29 U.S.C. 721(a); federal or state regulations; and policies that are consistent with federal and state requirements and request a new Hearing.
 - ii. Affirm the Hearing Officer's decision; or iii. Issue a written decision that contains a modified finding and the grounds upon which the decision is based and shall be considered the final decision of the Department.
 - f. The Department shall provide a copy of the decision that includes an explanation of a Party's right for judicial review of the decision as described under 34 CFR 361.57(i) to each Party.
 - g. The Party requesting a review of the Hearing Officer's decision may voluntarily withdraw the request for review at any time before the Director issues a decision by making a request by telephone or in writing to the RSA Ombudsman or Office of Appeals.

Historical Note

New Section made by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

ARTICLE 3. BUSINESS ENTERPRISE PROGRAM**R6-4-301. Definitions and Location of Definitions**

- A.** Location of Definitions. Definitions applicable to Article 3 are found in the following:

Definition	Section or Citation
"Abandoned Facility"	R6-4-301(B)
"All-Operators Meeting"	R6-4-301(B)
"Appeal"	R6-4-101(B)
"APOC"	R6-4-301(B)
"BEP Manager"	R6-4-301(B)
"BEP Operator"	R6-4-301(B)
"Business Enterprise Program" or "BEP"	R6-4-101(B)
"Business Facility"	R6-4-101(B)
"Candidate"	R6-4-301(B)
"Committee"	R6-4-301(B)
"Department"	A.R.S. § 41-1951
"Director"	R6-4-101(A)
"Displaced Operator"	R6-4-301(B)
"Good Cause"	R6-4-301(B)
"Grantor"	R6-4-301(B)
"Guaranteed Fair Minimum of Return"	R6-4-301(B)
"Hearing"	R6-4-101(B)
"Hearing Officer"	R6-4-101(A)
"Initial Probation"	R6-4-301(B)
"Legally Blind"	R6-4-101(B)
"Licensee"	R6-4-301(B)
"Net Proceeds"	R6-4-301(B)
"Operator's Agreement"	R6-4-301(B)
"Performance Probation"	R6-4-301(B)
"Rehabilitation Services Administration" or "RSA"	R6-4-101(B)
"RSA Administrator"	R6-4-101(B)
"Satisfactory Site"	34 CFR 395.1(q)
"SLA"	R6-4-301(B)
"Temporary BEP Operator"	R6-4-301(B)
"Trainee"	R6-4-301(B)
"Upward Mobility Training"	R6-4-301(B)
"Vending Facility"	34 CFR 395.1
"Vocational Rehabilitation"	R6-4-101(B)
"VR" R6-4-101(B) "VR Client"	R6-4-101(B)
"VR Staff"	R6-4-101(B)

- B.** The following definitions apply to Article 3 of this Chapter:

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1. "Abandoned Facility" means a Business Facility that a BEP Operator has failed to open without Good Cause for 24 hours.
2. "All-Operators Meeting" means an APOC meeting for which attendance is mandatory for all Trainees, Licensees, and BEP Operators.
3. "APOC" means the Arizona Participating Operators Committee, a fully representative committee of BEP Operators elected biennially by the BEP Operators' peers that functions as an integral part of the BEP having active participation in major BEP administrative decisions and policy and program development decisions affecting the overall administration of the State's BEP.
4. "BEP Manager" means the DES employee who oversees BEP under the direction of the RSA Administrator.
5. "BEP Operator" means a Licensee who enters into an Operator's Agreement with the BEP to manage and operate a Business Facility.
6. "Candidate" means an individual who is Legally Blind and is receiving VR services who is referred to the BEP by VR Staff for training and placement.
7. "Committee" means an ad hoc group of individuals assembled to make a decision regarding various aspects of placement of a BEP Operator in a Vending Facility. A Committee consists of:
 - a. Two voting BEP staff members who are selected by the BEP Manager;
 - b. Two voting Operators who are appointed by the APOC chairperson; and
 - c. The BEP Manager, who acts as the chairperson of the committee and only votes in the event of a tie.
8. "Displaced Operator" means a Licensee who has operated a Business Facility in Arizona under the provisions of this Article and is not currently assigned to a Business Facility as a result of a Business Facility or building closure or medical leave.
9. "Good Cause" means temporary illness, a family crisis, or a Business Facility or Vending Facility that is inaccessible by public transportation that causes the Trainee, Licensee, or BEP Operator to be unable to fulfill an obligation under this Article.
10. "Grantor" means the public or private entity that grants a permit to, or enters into an agreement with, the BEP to provide a Satisfactory Site for the operation of a Business Facility.
11. "Guaranteed Fair Minimum of Return" means the prevailing federal minimum wage multiplied by a 40-hour work week.
12. "Initial Probation" means the first six months after a BEP Operator assumes management of the BEP Operator's first Business Facility, during which time the BEP Operator's performance is evaluated for permanent status, termination or Performance Probation.
13. "Licensee" means an individual who is Legally Blind and has been licensed by the Department to operate a Business Facility.
14. "Net Proceeds" means the amount remaining after the deduction of business expenses from all income accruing to a BEP Operator from the operation of a Vending Facility.
15. "Operator's Agreement" means a written contract between the Department and a BEP Operator that regulates the terms and conditions under which a Business Facility shall be managed.
16. "Performance Probation" means a period of time not exceeding six months during which a BEP Operator who is not on Initial Probation shall correct documented, unacceptable performance or deficiencies upon written notice by the BEP.
17. "SLA" means the same as "state licensing agency" under 34 CFR 395.1(v). RSA is the SLA for Arizona.
18. "Temporary BEP Operator" means an individual who contracts with the Department to operate a Business Facility for a specified period of time and who may or may not be Legally Blind.
19. "Trainee" means a Candidate who has been accepted into and is receiving training from the BEP prior to placement and licensure.
20. "Upward Mobility Training" means additional training that enhances a BEP Operator's work opportunities.

Historical Note

Former Section R6-4-301 renumbered to R6-4-401, new R6-4-301 adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-302. Participating Business Facilities

- A. The BEP shall conduct a survey or surveys of public or other properties upon written request of the owner or management or as determined necessary by the Department to determine merchandising opportunities for Licensees. A survey shall include the following information:
 1. Identification of location, nature of site, and contact person;
 2. Demographics of site to include building population, work hours, nature of work, salary range, and other local selling locations, existing merchandise, and vending machines;
 3. The proposed business recommended by the BEP, including suggested merchandise, number of employees, anticipated volume, hours of operation, and current purchasing patterns.
- B. The BEP shall determine if a public or other property meets the requirements for a Satisfactory Site for a merchandising business through a survey conducted by the BEP following consultation with the APOC.
- C. If a surveyed property meets the requirements as a Satisfactory Site for a merchandising business, a written agreement shall be entered into between the Department and the Grantor.
- D. The BEP shall provide each Business Facility with suitable equipment, adequate initial stock, utensils, and cash necessary for the establishment and operation of the Business Facility. The BEP Operator shall return all equipment, stock, utensils and cash upon surrender of the Business Facility or shall reimburse the BEP for the value of any missing items.
- E. Unless otherwise agreed, the BEP shall maintain all Business Facility equipment to ensure it is in good repair and shall replace worn out or obsolete equipment to assure the continued operation of the Business Facility.
- F. All titles to the BEP-purchased equipment and stock shall remain with the BEP until the equipment or stock is disposed of as required under applicable federal or state law. When the title to the equipment or stock is vested in the BEP Operator, procedures and responsibility for providing the necessary maintenance or replacement shall be prescribed by the BEP in the Operator's Agreement.

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Historical Note

Former Section R6-4-302 renumbered to R6-4-402, new R6-4-302 adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-303. Referral to the Business Enterprise Program; Qualifications of Candidate

- A.** A VR Client who expresses interest in participating in the BEP shall be referred to the BEP by VR Staff when it is determined that a referral is appropriate following a medical or vocational evaluation, consultation with the VR Client, and completion of an application packet.
- B.** As part of a referral, each VR Client shall complete an application on a form prescribed by the BEP, which shall include the VR Client's:
 - 1. Identifying information including name, address, telephone number, and date of birth;
 - 2. Medical information including visual acuity and diagnosis;
 - 3. Education and work experience; and
 - 4. Mobility and communication functioning levels.
- C.** The VR Staff shall attach any available Assessment or psychological evaluations the VR Client has completed.
- D.** The VR Staff shall also determine and document that the VR Client is:
 - 1. Legally Blind;
 - 2. At least 18 years old;
 - 3. A citizen of the United States;
 - 4. Able to function independently in business to the degree that the VR Client's needs have been addressed by VR; and
 - 5. Medically stable with all necessary physical restoration services completed.
- E.** The BEP shall review an application packet for completeness and shall return an incomplete packet to VR to be properly completed and resubmitted.
- F.** The BEP shall refer a complete packet to a screening Committee for consideration of acceptance into the BEP training program, as described at R6-4-304. The referring VR Staff also serves on the screening Committee meeting but does not vote.

Historical Note

Former Section R6-4-303 renumbered to R6-4-403, new R6-4-303 adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-304. Screening for Acceptance into Initial Training

- A.** The screening of a Candidate shall be conducted by a screening Committee.
- B.** The screening shall consist of a review of the Candidate's case history and an interview with the Candidate relating to voluntary participation in the BEP and the Candidate's job qualifications. The screening Committee shall then vote to accept the Candidate into training, or reject and return the Candidate to VR for further services as appropriate to assist the Candidate in meeting the program criteria.
- C.** The determination of the screening Committee shall be provided to the Candidate in writing. In the event of rejection the determination shall contain the reasons for the determination, recommendations to remedy any deficiencies, and provide notice of the right to Appeal.

Historical Note

Former Section R6-4-304 renumbered to R6-4-404, new R6-4-304 adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-305. Initial Training

- A.** Once accepted into training, a Candidate shall be trained for Business Facility operations. The course content, objectives, and length of training shall be developed by the BEP with active participation of the APOC. Training shall cover:
 - 1. Business Facilities, such as snack bars, vending banks, and gift shops, at which food is not prepared, and shall orient the Trainee to basic business and merchandising principles, the parameters of the BEP, and the applicable provisions of federal regulations and state law. On-the-job training shall also be provided in existing Business Facilities of this type.
 - 2. Business Facilities, such as coffee shops at which limited food preparation occurs. On-the-job training shall be provided at appropriate existing facilities.
 - 3. Cafeterias providing a variety of prepared foods and beverages. On-the-job training shall be provided at appropriate existing facilities.
- B.** With respect to the duration of training:
 - 1. If a Trainee misses five days or more of training without Good Cause, whether consecutive or not, the BEP shall terminate the Trainee from the training and return the Trainee to VR for further services, as appropriate.
 - 2. If it becomes apparent during training or following completion of training that a Trainee lacks sufficient skills, knowledge, experience, health, or other abilities, the BEP shall review the case, consult with the VR Staff, the APOC, and the Trainee, and either: a. Revise the training plan, as needed; or b. Terminate the training and return the Trainee to VR for further services, as appropriate.
 - 3. A Trainee who satisfactorily completes training and is approved by the Committee as discussed in R6-4-311 becomes a Licensee.
- C.** A determination to terminate training shall be provided to the Trainee in writing and shall state the reasons for the determination, recommendations to remedy any deficiencies, and provide notice of the right to Appeal.
- D.** Any Licensee who is not placed in a Business Facility within 12 months of the date of licensure shall receive appropriate training, following an evaluation of proficiency.
- E.** A BEP Operator who is licensed as of the date of the adoption of these rules shall be exempt from the initial training required.

Historical Note

Former Section R6-4-305 renumbered to R6-4-405, new R6-4-305 adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-306. Remedial Training

- A.** When the BEP determines that remedial training is required to correct identified problems or deficiencies to assist a BEP Operator, it shall develop a specialized program with the active participation of the APOC to address those concerns. The BEP Operator may be placed on Performance Probation under R6-4-315 pending satisfactory completion of the remedial training.
- B.** Any former BEP Operator who has surrendered a license for a period exceeding 12 months and wishes to return to the BEP

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shall be evaluated by the BEP, in consultation with the APOC, to determine if any remedial training is necessary prior to reinstatement of the license.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-307. Upward Mobility Training

At least once per calendar year the BEP shall offer special training programs to BEP Operators that shall be developed with the active participation of APOC and include education in new program developments or business and merchandising techniques and additional training to improve work performance.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-308. Qualifications for Placement in a Business Facility

- A. When a business facility becomes available the BEP shall:
 1. Notify each BEP operator and certified trainee in writing of the opportunity to request placement in a location by filing an application. The notice shall be mailed at least 15 calendar days prior to the announced closure of the filing period;
 2. Accept any timely filed written application which contains a statement of interest in placement in the facility.
- B. A qualifications committee shall consider each applicant's record on file with the BEP, together with the application and any supporting documents. The committee shall be comprised of:
 1. Two voting BEP staff members.
 2. Two voting BEP operators appointed by the chairman of APOC.
 3. The BEP supervisor shall act as the chairman of the committee. He shall vote only in the event of a tie. The committee chairman shall consult with the chairman of APOC before casting his vote.
- C. Qualifications of a BEP operator or a certified trainee for placement in a business facility shall be determined based upon:
 1. For a BEP operator:
 - a. Compliance with the BEP operator's agreement and with the provisions of this Article.
 - b. The existence of no more than two substantiated customer complaints during the prior six month period. Only written and signed complaints shall be considered.
 - c. Maintenance of a level of inventory adequate for the location in which the operator is currently placed.
 - d. Degree of profitability of a facility under the operator's management.
 - e. Involvement of the operator in training and seminars.
 - f. Attendance at the last all operators meeting.
 2. For a certified trainee: relevant knowledge, skill, training, prior experience or education, and the performance of the individual during training.
- D. The committee shall make its determination by majority vote within 30 calendar days from the closure of the filing period.
- E. Each applicant shall be notified by the BEP within seven calendar days of the committee's determination. For those appli-

cants found disqualified, the notification shall be in writing and shall include the reasons for the disqualification, and notice of the right to appeal.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-309. Selection for Placement in a Business Facility

- A. The BEP Operators and other Licensees who qualify shall be considered for placement in a Business Facility by a selection Committee.
- B. A selection Committee shall interview each qualified Licensee on factors related to the work, including demonstrated management skills, ability to handle increased responsibilities, and any past comparable work experience and base a BEP Operator's placement in a Business Facility on the Licensee's qualifications and the outcome of the interview. In addition, the selection Committee shall consider applications in the following order from the highest priority for placement to the lowest:
 1. Any Displaced Operator who managed a Business Facility at a comparable level.
 2. Any BEP Operator who is no longer on Initial Probation.
 3. Any BEP Operator who is on Initial Probation.
 4. Any other Licensee.
- C. A Temporary BEP Operator shall be placed in a Business Facility by the BEP if a qualifying Licensee cannot be recommended for placement under R6-4-313.
- D. The BEP shall notify a qualifying Licensee of the BEP's decision within seven calendar days of approval of the selection for placement in a Business Facility.
- E. The BEP shall notify a Licensee who has not been selected for placement in a Business Facility in writing of the reason for the rejection and of the right to Appeal.
- F. If the Business Facility becomes available again within 30 calendar days of selection for placement in a Business Facility, or if the selected BEP Operator refuses the placement, the BEP supervisor shall request another selection from the Committee within the order of priority under subsection (B).

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-310. Placement in a Business Facility

The BEP shall not consider a Licensee who applies and is selected for placement in a Business Facility and then refuses the placement without Good Cause for any new placement in a Business Facility for 90 calendar days.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-311. Licensure

- A. A Business Facility shall be operated only by a licensed BEP Operator, with the exception of a Temporary BEP Operator, under R6-4-313.
- B. The review of a trainee who has completed the initial training will be conducted by a licensing Committee.
- C. The licensing Committee will review the trainee's participation in the initial training and all previous information obtained to determine if the trainee will be issued a license or referred to a screening Committee for additional training.

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- D. Once a person becomes a Licensee, the Department shall issue a license to that person, which shall remain in effect unless revoked or surrendered by the BEP Operator as required under 34 CFR 395.7(b). The license shall specify the name of the BEP Operator, the issuance date, and the signature of the authorized Department representative, and contain a statement that the license cannot be transferred.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-312. Operator's Agreement

The BEP shall develop a standard Operator's Agreement with the active participation of the APOC. Changes to the standard Operator's Agreement shall not be adopted before the APOC has an opportunity to present the proposed changes to the Operator's Agreement to the Licensees for input at an All-Operators Meeting, following which additional discussions between the BEP and the APOC shall be conducted, if needed. A Business Facility shall be operated only by a person who has executed an Operator's Agreement for a Business Facility with the Department.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-313. Temporary Operator

- A. The BEP shall recruit a Temporary BEP Operator for placement in a Business Facility for a six-month period after consultation with the APOC chairperson:
1. In the event of an Abandoned Facility;
 2. In the event no qualified individual who is Legally Blind applies for assignment to a Business Facility; or
 3. In an emergency.
- B. The BEP may extend a Temporary BEP Operator's placement in a Business Facility on a monthly basis until such time as a qualified individual who is Legally Blind is available.
- C. The BEP shall consider placement of a Temporary BEP Operator in the following order from the highest priority to the lowest:
1. A Displaced Operator in good standing.
 2. Any other Licensee in good standing who is not currently managing a Business Facility.
 3. A BEP Operator in good standing who is currently managing a Business Facility.
 4. A subcontract through the SLA.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-314. Initial Probation

- A. A BEP Operator who is placed in the BEP Operator's first Business Facility shall be placed on Initial Probation for six months to assure compliance with the Operator's Agreement, the provisions of this Article, and applicable law.
- B. The BEP shall conduct unannounced onsite inspections at least twice monthly during Initial Probation.
- C. The BEP shall complete an inspection report at the conclusion of each site inspection and shall read the inspection report to the BEP Operator who, after signing the inspection report, shall receive a copy of the inspection report. The inspection report shall:

1. Identify the conditions found during the site inspection;
2. Identify any deficiencies requiring corrective action; and
3. Contain a statement of the required standard and any recommendation to bring the BEP Operator into compliance.

- D. The BEP, following consultation with the APOC, shall notify the BEP Operator in writing of the BEP Operator's satisfactory completion, placement on Performance Probation, or the BEP's intent to terminate the Operator's Agreement at the end of the Initial Probation as described under R6-4-318.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-315. Performance Probation

- A. The BEP shall, following prior notification to the APOC chairperson, place a BEP Operator on Performance Probation for no longer than six months when the operation of a Business Facility is adversely affected by the deteriorated performance of a BEP Operator.
- B. Deficiencies shall be identified by:
1. A substantiated, written and signed complaint from any member of the public that has been filed with the Department; or
 2. The BEP during an onsite inspection.
- C. The BEP shall provide a written notice to a BEP Operator who is placed on Performance Probation. The notice shall:
1. State the grounds for the action and shall refer to any applicable agreement sections or legal provisions; and
 2. Identify the corrective action to be taken, the length of the Performance Probation, the consequences of failure to timely complete the corrective action, and notice of right to Appeal.
- D. At the end of the Performance Probation, the Department shall either:
1. Issue a written notice of satisfactory completion and termination of the Performance Probation to the BEP Operator if the BEP Operator takes the required corrective action; or
 2. Terminate the Operator's Agreement after notifying the APOC chairperson if the BEP Operator fails to take the required corrective action as described under R6-4-318.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-316. Continuing Inspections of Business Facilities

The Department shall conduct an inspection of a Business Facility for the health, safety and welfare of the public, with or without notice, throughout the existence of an Operator's Agreement, and shall take any appropriate action to assure the BEP Operator's compliance with the Operator's Agreement, this Article, and applicable law.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-317. Exchange of Business Facilities Prohibited

There shall be no exchange of Business Facilities between BEP Operators. Any placement of a BEP Operator in a Business Facility shall be made pursuant to this Article.

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Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-318. Termination of an Operator's Agreement

- A. The Department shall terminate an Operator's Agreement:
 1. Under the terms of the Operator's Agreement;
 2. Due to a BEP Operator's failure to meet conditions of Initial Probation or Performance Probation;
 3. Upon revocation or surrender of a license;
 4. Upon termination of the Grantor agreement; or
 5. In the event of an Abandoned Facility.
- B. The BEP, following notification to the APOC chairperson, shall provide a notice of termination of the Operator's Agreement to a BEP Operator in writing or in person that:
 1. States the grounds for the termination of the BEP Operator's Agreement;
 2. Refers to any applicable provision of law or agreement; and
 3. Advises the BEP Operator of the right to Appeal the termination of the Operator's Agreement.
- C. The BEP shall reconcile all records and inventoried items for which the BEP Operator was responsible upon termination of an Operator's Agreement. The report of the reconciliation shall be transmitted in writing to the BEP Operator or the BEP Operator's estate within 90 calendar days from termination of the Operator's Agreement and shall include notice of the BEP Operator's right to Appeal.
- D. Termination of an Operator's Agreement shall not relieve the BEP Operator of any business obligations existing as of the date of the termination of the BEP Operator's Agreement.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-319. Revocation of License

- A. The BEP shall revoke a BEP Operator's license for the following reasons:
 1. A BEP Operator is not in compliance with the requirements of this Article, contractual agreements, or any applicable federal or state statute, regulation, rule, policy, or procedure.
 2. A BEP Operator's deliberate material misrepresentation to the Department related to the BEP.
 3. A BEP Operator's use of, or impairment from, alcoholic beverages or drugs that cause impairment while engaged in the operation of the Business Facility.
 4. A BEP Operator neglects or refuses to provide information, including reports, and to transmit evaluations required by this Article on a monthly basis by the deadline indicated in the Operator's Agreement and as described in BEP policy.
 5. In the event of an Abandoned Facility or when the BEP Operator fails without Good Cause to open the Business Facility for business at the scheduled hours without notice to the BEP as described in BEP policy.
 6. A BEP Operator is convicted of a felony while participating in the BEP.
 7. A BEP Operator no longer meets the qualifications for participation in the BEP due to:
 - a. An improvement of vision to the degree that the BEP Operator is no longer Legally Blind;

- b. A change of citizenship from the United States to citizenship of another country; or
- c. An inability to meet the physical or emotional demands of operating a Business Facility following evaluation by the BEP.

- B. The Department, after notifying the APOC chairperson, shall provide a BEP Operator written notice of the Department's revocation of the BEP Operator's license. The notice shall state the grounds for the action and shall refer to any applicable provision of law, regulation, rule, or agreement, and advise the BEP Operator of the right to Appeal.
- C. The revocation of a BEP Operator's license shall not relieve the BEP Operator of any business obligations existing as of the license revocation date.
- D. Termination of an Operator's Agreement or revocation of a BEP Operator's license shall not occur until the BEP Operator has been provided the opportunity for a full evidentiary Hearing pursuant to 34 CFR 395.13.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-320. State Committee of Blind Vendors

- A. In Arizona, the APOC shall be the state committee of blind vendors who are elected biennially and shall actively participate in the BEP, as provided below and elsewhere in this Article.
- B. The APOC shall enact bylaws consistent with this Article and any applicable regulatory or statutory provisions and shall provide the BEP with a copy.
- C. In fulfilling the responsibility for administration and operation of all aspects of the BEP, the Department shall assure that the APOC actively participates in the BEP through:
 1. Participating in the administrative rulemaking process;
 2. Receiving and transmitting to the BEP all grievances filed in writing with the APOC at the request of a BEP Operator;
 3. Having a member of the APOC appear as the BEP Operator's representative at any Hearing at the request of the BEP Operator;
 4. The review, consideration, and involvement in the BEP's decision-making through membership on Committees established by this Article;
 5. Working with the BEP to establish training curricula and by serving as lecturers, faculty members, or in other roles at such training; and
 6. Consulting with the BEP when advice and counsel may be of assistance to the BEP and Arizona's BEP Operators.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-321. Set-aside Funds

- A. The BEP shall set aside funds from the Net Proceeds of the operation of a Business Facility based on a monthly schedule determined after consultation with the APOC and approved by the Secretary of the United States Department of Education. It shall be used only for the purposes stated in 34 CFR 395.9(b) (July 1, 1988), incorporated by reference and on file with the Office of the Secretary of State.
- B. As part of the annual budget process, the set-aside schedule shall be evaluated with active participation from the APOC as

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required under 34 CFR 395.9(c). The final set-aside decision shall be made by the BEP Manager.

- C. The new set-aside schedule shall be determined on or before June 30th of the current year. The rate set each year shall run from July 1st of the current year through June 30th of the following year.
- D. Yearly set-aside schedules shall be posted in the minutes following the APOC meetings and shall be posted in the SLA offices and on the DES website.
- E. The set-aside funds shall be used only for the purposes stated in 34 CFR 395.9(b).

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-322. Guaranteed Fair Minimum of Return

- A. A Guaranteed Fair Minimum of Return shall be granted to a BEP Operator by the BEP if the BEP Operator's Net Proceeds over three consecutive months average less than the prevailing federal minimum wage and if the reason for the low Net Proceeds is beyond the control of the BEP Operator as determined by the BEP, following consultation with the APOC. The need for a Guaranteed Fair Minimum of Return may be reflected in the monthly BEP Operator's report pursuant to R6-4-324(B) or may be requested by a BEP Operator.
- B. The BEP shall notify the BEP Operator of approval or denial of the request for a Guaranteed Fair Minimum of Return within 15 calendar days of the BEP Operator's request.
- C. Any denial by the BEP of a Guaranteed Fair Minimum of Return to a BEP Operator shall be in writing and issued to the BEP Operator and shall include the reasons for the determination and notice of the right to Appeal.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-323. Use of Federal Unassigned Vending Machine Income

- A. Federal unassigned vending machine income shall be used for BEP Operator benefits as determined by a majority vote of all BEP Operators in an All-Operators Meeting, and as limited by 34 CFR 395.8.
- B. Any federal unassigned vending machine income not necessary for such purposes shall be used by the BEP for the maintenance and replacement of equipment, purchase of new equipment, management services, and assuring a Guaranteed Fair Minimum of Return to BEP Operators.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-324. Reports and Recordkeeping; Access to Information

- A. Each BEP Operator shall maintain financial records of all operations as required by generally accepted accounting principles.
 - 1. BEP Operators' financial records shall be available for inspection by the Department and shall be retained by the BEP Operator for at least five years unless involved in an audit by the Department.

- 2. In the event of an audit, the BEP Operator shall retain records until the audit is closed and any Appeal is finalized as required under applicable retention schedules.

- B. Each BEP Operator shall submit a monthly BEP Operator's report to the Department by the date posted on the monthly billing statement issued by the BEP to each BEP Operator. The BEP Operator's report shall be on a form prescribed by the Department, in consultation with the APOC, and shall include:
 - 1. Gross sales, which shall include the total of all sales of goods plus vending machine income;
 - 2. Allowable business expenses;
 - 3. Net profit; and
 - 4. Amount due per the set-aside schedule as described in R6-4-321.
- C. Set-aside funds that are due and owing to the Department shall accompany the monthly BEP Operator's report in the form of a personal check if an insufficient funds check has not been submitted in the preceding 12 months, otherwise by certified check or money order.
- D. Each BEP Operator shall submit to the Department an annual inventory report, which shall be on a form prescribed by the Department.
- E. Each BEP Operator shall provide copies of any records and accounts regarding the operation of a Business Facility requested by the Department.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-325. Appeals

- A. A Candidate, Trainee, or Licensee who is adversely affected by any decision made by the BEP shall have recourse to an administrative review and Hearing under R6-4-210 except that, for a Candidate or Trainee, the decision of a Hearing Officer may be reviewed by the Department as required under 34 CFR 361.57(g).
- B. The decision of the Hearing Officer shall be final 20 calendar days from the date of the Hearing Officer's decision if no further action is taken by the Department.
- C. For a Candidate, Trainee, or Licensee a final decision may be appealed through judicial review pursuant to A.R.S. § 12-901 et seq. or a Licensee may Appeal through the United States Department of Education, under 34 CFR 395.13.

Historical Note

Adopted effective May 7, 1990 (Supp. 90-2). Amended by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

ARTICLE 4. REPEALED

This Article was repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

This Article contains the rules related to the provision of services to individuals under the state/federal Vocational Rehabilitation program but are more general in scope than Article 2.

R6-4-401. Repealed**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Renumbered from R6-4-301 effective May 7, 1990 (Supp. 90-2). Repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-402. Repealed

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Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Renumbered from R6-4-302 effective May 7, 1990 (Supp. 90-2). Repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-403. Repealed**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Renumbered from R6-4-303 effective May 7, 1990 (Supp. 90-2). Repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-404. Repealed**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Amended effective June 9, 1978 (Supp. 78-3). Renumbered from R6-4-304 effective May 7, 1990 (Supp. 90-2). Repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

R6-4-405. Repealed**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Renumbered from R6-4-305 effective May 7, 1990 (Supp. 90-2). Repealed by final rulemaking at 31 A.A.R. 3921 (October 3, 2025), effective November 2, 2025 (Supp. 25-3).

ARTICLE 5. RESERVED**ARTICLE 6. EXPIRED****R6-4-601. Expired****Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section repealed, new Section adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-602. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section repealed, new Section adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-603. Expired**Historical Note**

Adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-604. Expired**Historical Note**

Adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-605. Expired**Historical Note**

Adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-606. Expired**Historical Note**

Adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-607. Expired**Historical Note**

Adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

R6-4-608. Expired**Historical Note**

Adopted effective October 22, 1991 (Supp. 91-4). Section expired under A.R.S. § 41-1056(J) at 19 A.A.R. 2855, effective June 28, 2013 (Supp. 13-3).

ARTICLE 7. EXPIRED

Article 7, consisting of R6-4-701 through R6-4-707, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-701. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-702. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Amended effective October 13, 1978 (Supp. 78-5). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-703. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-704. Repealed**Historical Note**

Adopted effective January 7, 1981 (Supp. 81-1). Repealed effective May 7, 1990 (Supp. 90-2).

R6-4-705. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-706. Repealed**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Former Section R6-4-706 repealed, new Section R6-4-706 adopted effective June 17, 1985 (Supp. 85-3). Repealed effective October 22, 1991 (Supp. 91-4).

R6-4-707. Expired**Historical Note**

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

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ARTICLE 8. EXPIRED

Article 8, consisting of R6-4-801, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).

R6-4-801. Expired

Historical Note

Adopted effective June 14, 1977 (Supp. 77-3). Section expired under A.R.S. § 41-1056(E) at 10 A.A.R. 1165, effective October 31, 2003 (Supp. 04-1).