

BLIND, DEPARTMENT FOR THE[111]

[Prior to 7/1/87, see Commission for the Blind[160] Chs 1 to 10]

The Division for the Blind was created within the Department of Human Rights[421] by 1986

Iowa Acts, chapter 1245

Renamed Department for the Blind, 1988 Iowa Acts, Senate File 2310, sections 29 to 31;
section 31 of the Act renumbered sections 601K.121 to 601K.127 as a new chapter.

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CHAPTER 1
ADMINISTRATIVE ORGANIZATION AND PROCEDURES
[Prior to 7/1/87, see Blind, Commission for[160] Ch 1; rule 3.6; Ch 9]
[Prior to 9/21/88, see Blind, Division for the[423] Ch 1; Ch 2; Ch 12]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—1.1(216B) Authority. There is established a department for the blind which shall carry out policies and programs as determined by the commission for the blind.

111—1.2(216B) History and function. To respond to the unique needs of the blind of Iowa, the general assembly established the Iowa commission for the blind on April 1, 1925. Although specific programs for the blind have varied in recent years, the basic mission to promote positive attitudes toward blindness has remained constant. As a result of state government reorganization in 1986, the commission for the blind became a division of the department of human rights. However, the 72nd General Assembly restored the commission's separate status by establishing a department for the blind in 1988.

111—1.3(216B) Location and information. The central office of the department is located at 524 Fourth Street, Des Moines, Iowa 50309-2364, telephone (515)281-1333, (incoming WATS number (800)362-2587).

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—1.4(216B) Definitions. The following definitions apply to the rules of the department for the blind:

"Blind" or *"blindness,"* except as applicable to the business enterprises program, refers to the condition of an individual who meets one or more of the following criteria: (1) vision not more than 20/200 central visual acuity in the better eye, with ordinary corrective lenses, or a field defect in which the peripheral field has contracted to an extent that the widest diameter of visual field subtends to an angular distance of not greater than 20 degrees; (2) a combination of loss of visual acuity and loss of visual field which imposes an employment handicap which is substantially that of a blind person; (3) medical prognosis indicating a progressive loss of sight which will terminate in the condition described in criteria one; or (4) a visual impairment which by agreement of the division of vocational rehabilitation services of the Iowa department of education and the department is such that the individual can be best served by the department.

"Commission" means the three-member statutory commission for the blind.

"Dangerous weapon" means any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the person possessing the instrument or device intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon as defined in Iowa Code section 724.1, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length.

"Department" means the department for the blind. The department is the state licensing agency for vending facilities under the Randolph-Sheppard Act.

"Director" means the director of the department for the blind.

"Division" means one of the principal subunits of the department for the blind.

"Extreme medical risk" means a risk of substantially increasing functional impairment or risk of death if medical services are not expeditiously provided.

"Facilities" means the premises at 524 Fourth Street, Des Moines, Iowa, and any other space occupied by the department for the blind.

"Program administrator" means the chief of each of the divisions of the department for the blind.

"Public" means a person who is not employed by the state of Iowa.

"Staff" means individuals employed by the department for the blind.

“State” means the state of Iowa.
[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—1.5(216B) Commission. The duties and powers of the commission are as delineated in Iowa Code sections 216B.3 and 216D.3.

1.5(1) Meetings. The commission shall meet as often as necessary to conduct business expeditiously and efficiently. To the maximum extent practicable, meetings will be held outside normal working hours to encourage attendance.

1.5(2) Chairperson. At the first regularly scheduled meeting of each calendar year, the commission shall elect a chairperson.

1.5(3) Notice. Notice of meetings, including the proposed agenda, will be posted at all offices of the department. Persons wishing to receive notice of meetings may file a request with the office of the director.

111—1.6(216B) Director. As the chief administrative officer for the department, the director shall be responsible for implementation of commission policies and for administration of programs and services in compliance with applicable federal and state laws and regulations.

111—1.7(216B) Divisions. The director has established the following divisions of the department:

1. Adult orientation and adjustment center
2. Business enterprises program
3. Field operations
4. Library for the blind and physically handicapped

111—1.8(216B) Private association activity of staff. Staff shall not, on a significant regular basis, perform work for private associations or organizations (including organizations of or for the blind) during working hours or with use of department facilities unless arrangements have been formalized through a 28E agreement approved by the commission. Significant organizational activities prohibited in the absence of a formal 28E agreement include, but are not limited to: electioneering for organizational office, processing memberships, collecting dues, arranging for meetings and conventions, fund-raising, canvassing, leafleting, picketing, preparing organizational mailings, and other activities of a purely organizational nature which are unrelated to official staff duties.

However, the department encourages staff to maintain frequent contact with blind individuals and organizations of the blind as well as civic, social, fraternal, and professional groups interested in working with blind individuals.

This rule is not intended to discourage telephone conversations and correspondence with individuals or attendance (with supervisory approval) at meetings of blind or related associations or organizations.

111—1.9(216B) Authorization for use of facilities. Department facilities are available for the use of groups of blind individuals or other groups or organizations interested in working with blind individuals when the activity does not interfere with the conduct of department business. Authorization for the use of facilities must be obtained from the director or designee.

111—1.10(216B) Joint activities. When use of the department facility or the activity of staff is expected to be continual or significant, the department may enter into an agreement with any appropriate public or private entity pursuant to Iowa Code chapter 28E. The agreement must specify the purpose of the arrangement; the specific use of the facility or the specific activity of staff which is involved, as appropriate; remuneration (if appropriate); and any other necessary arrangements.

111—1.11(216B) Administration of the gifts and bequests fund. Pursuant to Iowa Code section 216B.3(8), there is established a gifts and bequests fund.

1.11(1) Gifts and bequests fund. The gifts and bequests fund is established primarily to provide direct financial assistance in the form of grants or loans to blind Iowans which will materially assist in independent living or vocational success or to provide department services or support services for which other funds are not available. Grants or loans may not be given for the purpose of continuing support.

a. Use for department operations. Use of gifts and bequests for routine, ongoing department operations must be approved by the commission.

b. Eligibility. Recipients of grants or loans must be blind individuals, as defined in rule 1.4(216B), who are residents of the state and whom the director or commission has determined to demonstrate a need for assistance.

c. Application process. Applications must be submitted to the director or designee for review. Applications not exceeding \$2,500 may be approved by the director or designee. Applications exceeding \$2,500 shall not be subject to approval or disapproval by the director or designee but shall be submitted to the commission for approval.

1.11(2) Vending facilities fund. The vending facilities fund is established to provide low interest loans to active licensed vendors. The director may approve loans in any amount from these moneys for use as start-up capital or for the purchase of inventory. Upon approval, the director will establish a repayment schedule.

1.11(3) Availability of records. Names of applicants or recipients of grants or loans from these funds are confidential records under 111—subrule 13.13(2). Disclosure may be made only for routine use as delineated in rule 111—13.10(17A,22).

1.11(4) Deposit of funds. Rescinded IAB 6/26/02, effective 7/31/02.

1.11(5) Record keeping. Rescinded IAB 6/26/02, effective 7/31/02.

111—1.12(216B) Procurement.

1.12(1) The procurement of goods and services for clients of the department shall be in accordance with the requirements of informed choice as defined in 34 CFR 361.52 (as published in the Federal Register on January 22, 2001).

1.12(2) Procurement of goods. Except as provided in 1.12(1) above, the procurement of goods shall be conducted in accordance with procurement standards and procedures established at 34 CFR 80.36 (effective July 6, 2004) for state government grantees.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—1.13(216B) Department facility operations.

1.13(1) Dangerous weapons. No member of the public shall carry a dangerous weapon in department facilities. This provision applies to any member of the public whether or not the individual possesses a valid Iowa permit to carry weapons. This provision does not apply to:

a. A peace officer as defined in Iowa Code section 801.4 or a member of the armed forces of the United States or of the national guard, when the person's duties or lawful activities require or permit possession of a dangerous weapon.

b. A person possessing a valid Iowa professional permit to carry a weapon whose duties require that person to carry a dangerous weapon.

c. A person who possesses a dangerous weapon for any purpose authorized by a state agency to further the statutory or regulatory responsibilities of that agency. An authorization issued pursuant to this paragraph shall not become effective until it has been issued in writing to the person or persons to whom it applies and until copies of the authorization have been received by the director and by the commissioner of public safety.

d. Members of recognized military veterans organizations performing honor guard service as provided in Iowa Code section 35A.12.

Violation of this subrule is a simple misdemeanor, pursuant to Iowa Code section 8A.322, and may result in the denial of access to a state building, filing of criminal charges or expulsion from the grounds of the department's facilities, or any combination thereof, of any individual who knowingly violates the subrule. In addition, any weapon found in the possession of a member of the public in violation of this subrule may be confiscated. Charges may be filed under any other criminal statute if appropriate. Officers employed by or under the supervision of the department of public safety shall have the authority to enforce this subrule. Peace officers employed by other agencies shall have the authority to enforce this subrule at the request of the commissioner of public safety or in response to a request for assistance from an officer employed by the department of public safety or at the request of the director or the director's designee.

1.13(2) *Building access and security.* The department shall take reasonable and appropriate measures to ensure the safety of persons and property in department facilities. These measures may include, but are not limited to, the following:

a. Requiring any member of the public entering department facilities to (1) provide identification upon request; (2) allow the member of the public to be scanned with metal detecting equipment; and (3) allow any parcel, package, luggage, purse, or briefcase that the person is bringing into department facilities to be examined with X-ray equipment or to have the contents thereof examined, or both.

b. Requiring any member of the public who is inside department facilities outside normal business hours, other than when facilities are open to the public during a scheduled event, to provide identification and to state the nature of the person's business in the facility. A member of the public who is in department facilities outside normal business hours, other than during a scheduled event, and who does not have authorization to be on the premises may be required to exit the building and be escorted from the building.

c. Limiting public access to department facilities to selected entrances. Access to each building through at least one entrance accessible to persons with disabilities shall be maintained.

d. Limiting hours during which public access to department facilities is allowed.

e. Confiscating any container including, but not limited to, packages, bags, briefcases, or boxes that are left in public areas when department facilities are not open to the public. Any confiscated container may be searched or destroyed, or both, or may be returned to the owner. Any container that is left unattended in a public area during hours in which department facilities are open to the public may be examined.

Violation of this subrule is a simple misdemeanor, pursuant to Iowa Code section 8A.322, and may result in the denial of access to a state building, filing of criminal charges or expulsion from department facilities, or any combination thereof, of the individual who knowingly violates the subrule. Charges may be filed under any other criminal statute if appropriate. Officers employed by or under the supervision of the department of public safety shall have the authority to enforce this subrule. Peace officers employed by other agencies shall also have the authority to enforce this subrule.

1.13(3) *Access barriers.* The director may cause the temporary or permanent placement of barricades, ropes, signs, or other barriers to limit access to certain parts of department facilities. Unauthorized persons beyond the barriers may be removed with the assistance of law enforcement officers or charged with a criminal offense if appropriate, or both.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

These rules are intended to implement Iowa Code chapter 216B.

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[Filed ARC 0461C (Notice ARC 0181C, IAB 6/27/12), IAB 11/28/12, effective 1/2/13]

CHAPTER 2 PERSONNEL

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—2.1(216B) Qualifications of personnel.

2.1(1) *State-licensed professions.* Persons employed in positions for which licensure is required by the state are required to hold the appropriate license at the time of hire and maintain it throughout their term of employment even when the Iowa Code exempts individuals employed by a state agency from the licensure requirement.

2.1(2) *Service specialist for the blind 2 and senior service specialist for the blind 1 (vocational rehabilitation counselor).* Certification shall be required of all vocational rehabilitation counselors employed by the department.

a. At the time of hire into the position, an individual holding at least a bachelor's degree from an accredited college or university and one year of work experience shall be granted provisional certification. Exceptions regarding education and experience can only be made by the commission for the blind upon the recommendation of the director. Provisional certification shall be recognized for a maximum period of 18 months.

b. An individual may obtain full certification as a vocational rehabilitation counselor by demonstrating competency in the following areas.

(1) Knowledge, understanding, and implementation of the department's positive philosophy of blindness.

(2) Knowledge of the department's programs.

(3) Skills in career planning and development.

(4) Knowledge of placement techniques and practices.

(5) Knowledge of occupational information, job site evaluation, and job analysis.

(6) Knowledge and development of alternative techniques of blindness.

(7) Knowledge of rehabilitation technology services.

(8) Knowledge of disability and related issues.

(9) Advocacy.

(10) Case management.

(11) Adjustment to blindness counseling.

(12) Assessment of consumer needs.

(13) Public education and outreach.

(14) Teamwork and problem solving.

c. An individual holding at least a bachelor's degree from an accredited college or university, who has been employed by the department as a service specialist for the blind 2 or senior service specialist for the blind 1 (vocational rehabilitation counselor) for a minimum of six months on the date this rule is finalized, shall be considered to be a fully certified vocational rehabilitation counselor, as long as the individual maintains unbroken employment with the department in that classification.

2.1(3) *Senior service specialist for the blind 1 (vocational rehabilitation teacher).* Certification shall be required of all vocational rehabilitation teachers employed by the department.

a. At the time of hire into the position, an individual holding at least a bachelor's degree from an accredited college or university and one year of work experience shall be granted provisional certification. Exceptions regarding education and experience can only be made by the commission for the blind upon recommendation of the director. Provisional certification shall be recognized for a maximum period of 18 months.

b. An individual may obtain full certification as a vocational rehabilitation teacher by demonstrating competency in the following areas.

(1) Knowledge, understanding, and implementation of the department's positive philosophy of blindness.

(2) Knowledge of the department's programs.

- (3) Assessment of consumer needs.
- (4) Teaching skills and practices.
- (5) Knowledge and development of alternative techniques of blindness.
- (6) Knowledge of rehabilitation technology services.
- (7) Knowledge and development of community resources.
- (8) Knowledge of disability and related issues.
- (9) Advocacy.
- (10) Case management.
- (11) Adjustment to blindness counseling.
- (12) Public education and outreach.
- (13) Teamwork and problem solving.

c. An individual holding at least a bachelor's degree from an accredited college or university, who has been employed by the department as a service specialist for the blind 2 (vocational rehabilitation teacher) for a minimum of six months on the date this rule is finalized, shall be considered to be a fully certified vocational rehabilitation teacher, as long as the individual maintains unbroken employment with the department in that classification.

2.1(4) Senior service specialist for the blind 1 (orientation center teacher). Certification shall be required of all orientation center teachers employed by the department.

a. At the time of hire into the position, an individual holding at least a bachelor's degree from an accredited college or university and one year of paid employment in a program of rehabilitation, education of the blind, elementary or secondary education or related fields shall be granted provisional certification. Exceptions regarding education and experience can only be made by the commission for the blind upon recommendation of the director. Provisional certification shall be recognized for a maximum period of 18 months.

b. An individual may obtain full certification as an orientation center teacher by demonstrating competency in the following areas.

(1) Knowledge, understanding, and implementation of the department's positive philosophy of blindness.

- (2) Knowledge of the department's programs.
- (3) Knowledge and development of alternative techniques of blindness.
- (4) Technical knowledge of subject area(s) taught.
- (5) Teaching skills and practices.
- (6) Adjustment to blindness counseling.
- (7) Understanding of career planning and development.
- (8) Knowledge of rehabilitation technology services.
- (9) Knowledge of disability and related issues.
- (10) Advocacy.
- (11) Teamwork and problem-solving.
- (12) Assessment of consumer needs.
- (13) Public education and outreach.

c. An individual holding at least a bachelor's degree from an accredited college or university, who has been employed by the department as a senior service specialist for the blind 1 (orientation center teacher) for a minimum of six months on the date this rule is finalized, shall be considered to be a fully certified orientation center teacher, as long as the individual maintains unbroken employment with the department in that classification.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

These rules are intended to implement Iowa Code chapter 216B.

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[Filed ARC 0461C (Notice ARC 0181C, IAB 6/27/12), IAB 11/28/12, effective 1/2/13]

CHAPTER 3
DEPARTMENT PROCEDURE FOR RULE MAKING

[Prior to 9/21/88, see Blind, Division for the[423] Ch 3]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 4
PETITIONS FOR RULE MAKING

[Prior to 7/1/87, see Blind, Commission for[160] rule 3.1]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 4]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 5
DECLARATORY ORDERS

[Prior to 7/1/87, see Blind, Commission for[160] rule 3.2]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 5]

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 6
LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

[Prior to 7/1/87, see Blind, Commission for[160] rule 2.4]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 6]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—6.1(216B) Function. The library for the blind and physically handicapped provides library services to Iowans who are blind, reading disabled and physically handicapped, as delineated in rule 6.3(216B), who cannot use information in standard print formats.

111—6.2(216B) Services. Services include, but are not limited to, provision and circulation of books, magazines and videos in braille, recorded cassette, digital audio, digital cartridge, electronic text, descriptive video, or large-type formats; provision and maintenance of playback equipment; transcription, production and duplication of standard print material into braille, digital audio, large print, or electronic text formats; and research, acquisition by loan or purchase, or production of instructional materials.

6.2(1) Transcription of standard print reading materials into alternative media. Transcription of standard print reading materials into the alternative media of braille, digital audio, large print, or electronic text shall be provided to the extent that resources are available and following research of the library for the blind and physically handicapped and other libraries, volunteer production agencies, and vendors which confirm that the requested item is not available in any alternative media which can be effectively used by the library patron; or that the item exists, but cannot be acquired by loan, purchase, or duplication. Priority will be given to requests which enable persons to meet a vocational or educational need. Transcription is one method of providing access to standard print reading materials, and will be used in combination with other resources in order to provide as much support as possible to each person requesting transcription services. Other requests will be honored contingent upon availability of resources.

6.2(2) Reserved.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—6.3(216B) Eligibility. The following persons are eligible for services:

Blind persons;

Physically handicapped persons—

1. Whose visual disability, with correction, regardless of visual measurement, prevents the reading of standard print material, or
2. Who are unable to read or unable to use standard print material as a result of physical limitations, or
3. Who have a reading disability resulting from organic dysfunction, and of sufficient severity, to prevent the reading of print material in a standard manner.

6.3(1) Library services are available to children and adults.

6.3(2) Eligibility will be determined in compliance with applicable federal and state laws prohibiting discrimination on the basis of age, race, creed, color, sex, national origin, religion, or disability.

111—6.4(216B) Application procedures. The Application and Certification of Eligibility for Library Services form must be completed, and must be signed by a competent authority.

6.4(1) In cases of blindness, visual disability or physical limitations, “competent authority” is defined as a doctor of medicine; doctor of osteopathy; ophthalmologist; optometrist; registered nurse; therapist; or member of the professional staff of a hospital, institution, public or welfare agency (i.e., a social worker, case worker, counselor, rehabilitation teacher or superintendent). In the absence of any of these, certification may be made by a professional librarian or by any person whose competence under specific circumstances is acceptable to the department and the Library of Congress.

6.4(2) In the case of reading disability from organic dysfunction, “competent authority” is defined as a doctor of medicine or doctor of osteopathy who may consult with colleagues in associated disciplines.

6.4(3) Applicants who use only large print materials must obtain the certification of a competent authority.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—6.5(17A) Forms. Rescinded IAB 6/26/02, effective 7/31/02.

These rules are intended to implement Iowa Code section 17A.3 and Iowa Code chapter 216B.

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[Filed ARC 0461C (Notice ARC 0181C, IAB 6/27/12), IAB 11/28/12, effective 1/2/13]

CHAPTER 7
BUSINESS ENTERPRISES PROGRAM
[Prior to 7/1/87, see Blind, Commission for[160] Ch 4]
[Prior to 9/21/88, see Blind, Division for the[423] Ch 7]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—7.1(216D) History and function. The Randolph-Sheppard Act (Public Law 74-732), first adopted by Congress in 1936, created a business enterprises program to give priority to the needs of blind persons in securing employment and economic opportunities. This legislation was revised in 1954 (Public Law 83-565) and again in 1974 (Public Law 93-516).

The Iowa business enterprises program prepares individuals in the vocational rehabilitation program to become independent operators of food service facilities by providing training in management skills, food service and sanitation laws, and business systems. The business enterprises program establishes facilities and renders ongoing consultation and management assistance to blind operators.

111—7.2(216D) Definitions. The following definitions apply to this chapter:

“Active licensee” means a licensed vendor who is currently operating a vending facility in this state.

“Active participation” means routine consultation with the committee of blind vendors on all matters affecting the business enterprises program. When Congress amended the Randolph-Sheppard Act in 1974 to include a requirement for a committee of blind vendors elected by the vendors themselves in every business enterprises program, congressional intent was to create a routine, ongoing method for the citizens involved in the vending program to participate in the decisions that affected their lives, given a long history of agency decision making that had excluded vendors. While Congress recognized that officials of state agencies are charged with the responsibility of making decisions, Congress wished to create a situation in which these officials routinely consult the persons whom these decisions affect. Thus, “active participation” consists of the manager of the business enterprises program and also the director of the entire agency making a conscious effort to include the committee routinely in policy decisions, in changes of policy, in decisions that will expand or contract the program, in allocation of funding, and in any other matter that will affect individual vendors or the program vendors or the program as a whole.

“Agreement” means a written instrument entered into between the department and a vendor authorizing the vendor to operate a vending facility or facilities at a specific location and setting forth the respective responsibilities of the parties.

“Blind” refers to the condition of an individual who, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever the individual shall select, has been determined to have: (1) not more than 20/200 central visual acuity in the better eye with correcting lenses or (2) an equally disabling loss of visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends to an angle of no greater than 20 degrees.

“Blind licensee” or *“licensee”* means a blind individual licensed by the department pursuant to these rules.

“Business enterprises program” means all activities of the department relating to vending facilities on federal, state or other property.

“Committee” means the state committee of blind vendors which actively participates in routine, ongoing policy making for the business enterprises program.

“Federal property” means any building, land or other real property in this state which is owned, leased or occupied by any department, agency or instrumentality of the United States (including, but not limited to, the Department of Defense, the Department of Veterans Affairs and the United States Postal Service).

“Federal regulations” means the rules established for Randolph-Sheppard Act programs by the U.S. Department of Education in 34 CFR 395 (as published in 1977).

“Food service” means the goods and services customarily offered by restaurants, cafeterias, snack bars or vending machines for food or beverages.

“Inactive licensee” means a licensee who is not currently operating a vending facility in this state.

“License” means a written instrument issued by the department to a blind individual authorizing that individual to operate a vending facility on federal, state or other property.

“Management services” means supervision, inspection, quality control, consultation, accounting, regulating, in-service training and other related services provided on a systematic basis to support and improve the operation of vending facilities operated by department licensees. “Management services” does not include services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

“Net proceeds” means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to vendors after deducting the cost of the sale and other expenses.

“Other property” means property which is not federal property on which vending facilities are established or operated by the department’s business enterprises program.

“Permit” means the official approval given to the department by a department, agency or instrumentality in control of the maintenance, operation and protection of federal or state property, or the person in control of other property whereby the department is authorized to establish a vending facility.

“Probation” means a disciplinary action not to exceed one year during which an operator is again attempting to meet program requirements and standards.

“Provisional” means a temporary arrangement for a first-time operator pending a permanent assignment to a facility.

“Public office building” means the state capitol, county courthouses, city or town halls and all other buildings used primarily for governmental offices of the state, county, city or town. It does not include public schools or buildings at institutions of the state board of regents or the state department of human services. “Public office buildings” are included in the term “other property.”

“Randolph-Sheppard Act” means Public Law 74-732, as amended by Public Law 83-565 and Public Law 93-516, 20 U.S.C., Chapter 6A, Section 107.

“Suspension” means a temporary cessation of all rights and privileges of a licensed operator pending disciplinary judgment as to whether an operator can or cannot comply with program standards and requirements.

“Vending facility” means automatic vending machines, cafeterias, snack bars, cart service, shelters, counters or other appropriate auxiliary equipment operated by vendors licensed by the department which are used for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages or other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with applicable health laws, and includes the vending or exchange of charges for any lottery authorized by state law and conducted by a state agency.

“Vending machine” means a coin- or currency-operated machine which dispenses articles or services. This does not include machines operated by the United States Postal Service for the sale of postage stamps or other postal products or services, machines providing services of a recreational nature, or telephones.

“Vending machine income” means receipts (other than those of a licensed vendor) from vending machine operations on federal property, after deducting the cost of goods sold (including reasonable service and maintenance costs in accordance with customary business practices of commercial vending concerns) where the machines are operated, serviced or maintained by, or with the approval of, a department, agency or instrumentality of the United States, or commissions paid (other than to a licensed vendor) by a commercial vending concern which operates, services or maintains vending machines on federal property for, or with the approval of, a department, agency or instrumentality of the United States.

“Vendor” means a blind individual licensed by the department who is operating a vending facility on federal, state or other property. (See “active licensee.”)

111—7.3(216D) State committee of blind vendors. There is established a state committee of blind vendors which will advise and actively participate in routine, ongoing policy decisions made by the department in the management of the business enterprises program. The committee will hold a minimum of three meetings in each calendar year with the agenda for each meeting jointly prepared by the division administrator of the business enterprises program in consultation with the chairperson of the committee.

7.3(1) The committee shall:

a. Actively participate with the department in decisions and policy and program development decisions affecting the overall administration of the business enterprises program including, but not limited to, changes in longstanding policy, decisions to add or remove locations, decisions regarding terms of permits varying from the standard permits, and all other decisions or changes in decisions that will affect the earning potential or promotional opportunities for vendors in the program or those who join the program;

b. Receive and transmit to the department grievances at the request of vendors and serve as an advocate for vendors in connection with these grievances;

c. Actively participate with the department in the development and administration of a state system for the transfer or promotion of vendors;

d. Actively participate with the department in the development of training and retraining programs for vendors; and

e. Sponsor, with the assistance of the department, meetings and instructional conferences for vendors and trainees of the business enterprises program.

7.3(2) The committee shall be composed of five vendors who will be elected for two-year terms. One member shall be elected to serve as chairperson. There is no limit to the number of terms an individual may serve.

To the extent possible, the committee membership shall be fully representative of active licensees on the basis of geography and vending facility type, with a goal of providing for proportional representation of vendors on federal property and vendors on other property.

7.3(3) The division administrator of the business enterprises program will serve as an ex officio, nonvoting member of the committee.

7.3(4) If a member of the committee ceases to be an active licensee or resigns from the committee, a replacement shall be elected for the remainder of the unexpired term at the next statewide meeting of vendors.

111—7.4(216D) Statewide meeting. There will be an annual statewide meeting of vendors at a time and place established by the department and the committee. All licensees, trainees and all other interested parties shall attend this meeting; however, only active licensees shall have the right to vote. Failure to attend two consecutive entire meetings without a written excused absence from the administrator of the business enterprises program shall result in placement of active licensees on probation. Failure to attend three consecutive entire meetings without a written excused absence from the administrator of the business enterprises program shall result in termination of the operating agreement (defined in 111—7.12(216D)).

111—7.5(216D) Election of committee members. The department will provide for a biennial election of committee members which will take place in even-numbered years during the last calendar quarter.

7.5(1) Participation in the election shall be limited to active licensees, and shall not be contingent upon payment of dues or other fees.

7.5(2) The election shall be held by secret ballot. Committee members shall take office immediately following the meeting at which they were elected.

111—7.6(216D) Program selection procedures. The department has established a clearly defined process through which all applicants for the business enterprises program are screened, trained and placed in facilities. The following procedures will be utilized in assessing applicants for participation in the business enterprises program:

7.6(1) The vocational rehabilitation counselor has the primary responsibility for identifying potential applicants for the business enterprises program. In order for an eligible individual to be considered for placement in the business enterprises program, the counselor must make a written recommendation to the division administrator of the business enterprises program.

7.6(2) Each applicant must complete a selection pretest administered by the department.

7.6(3) The committee may advise the division administrator of the business enterprises program in the selection of trainees and may conduct a personal interview with an applicant.

7.6(4) In making a determination concerning acceptance of an applicant into the business enterprises program, the department will adhere to an established rating system which includes the following:

- a. Verification that eligibility guidelines for the program have been met as follows: the individual is legally blind, a U.S. citizen and a resident of the state of Iowa;
- b. A 70 percent minimum score on the recruiting referral sheet submitted by the vocational counselor;
- c. A 70 percent minimum score on the selection pretest; and
- d. A 70 percent minimum score on the personal interview conducted by the department or the committee (if appropriate).

In addition, the department may consider whether there is a reasonable expectation that a vending facility will become available at an appropriate time for the individual or whether there is a reasonable expectation that the individual being considered will be successful.

7.6(5) The department will advise the applicant in writing of the acceptance or rejection of the application.

111—7.7(216D) Preplacement agreement. Upon acceptance into the business enterprises program, the applicant will execute a preplacement agreement with the department which will include:

1. The placement of the individual in trainee status until successful completion of the training program;
2. The requirement that the individual must successfully complete all components of the training program;
3. The proposed training program for the individual;
4. The assurance that if a vending facility location is available, the trainee will be given equitable participation in the system of transfer or promotion for vendors;
5. A clear understanding of the alternatives if a vending facility location is not available upon completion of the training program or if the individual does not successfully complete the training program; and
6. The procedures for periodic evaluation of the trainee.

111—7.8(216D) Licensure. In accordance with federal and state laws and regulations, each participating vending facility operator must be licensed by the department. The license is not transferable and is revocable for cause.

7.8(1) The requirements for obtaining a license are:

- a. The applicant must be blind according to the definition in 111—7.2(216D);
- b. The applicant must be a citizen of the United States;
- c. The applicant must be a resident of the state;
- d. The applicant must demonstrate competency which is measured by the ability to operate a vending facility by either successful completion of the training program (if a trainee) or by successful completion of a program competency test with a minimum score of 70 percent (if applying for licensure by reinstatement or reciprocity); and
- e. The applicant must possess a current and valid Iowa department of transportation nondriver identification card.

7.8(2) When a trainee successfully completes the training program, a written recommendation for licensure will be made to the director by the division administrator of the business enterprises program. The recommendation will certify that the trainee meets all licensure requirements.

7.8(3) The director shall issue an official license to the individual which shall be numbered and shall indicate the date of issuance.

111—7.9(216D) Licensure by reciprocity or reinstatement. A vending facility operator formerly licensed in this state may apply to the director for reinstatement of licensure. A vending facility operator licensed or formerly licensed in any other state in accordance with applicable federal regulations may apply to the director for licensure by reciprocity.

7.9(1) The individual must sign a release of information for each state where the individual participated in a vocational rehabilitation program.

7.9(2) The individual must meet the following criteria for licensure by reciprocity or reinstatement:

- a. Apply and be found eligible for vocational rehabilitation services from the department;
- b. Have no outstanding debts with the business enterprises program or vocational rehabilitation program in any state and no delinquent business taxes or delinquent bills to food service suppliers;
- c. Comply with all licensing requirements of the department.

111—7.10(216D) System of transfer or promotion for vendors. In coordination with the state committee of blind vendors, the department has established a state system of transfer or promotion for licensed vendors.

7.10(1) When a new vending facility is established or when a vacancy occurs in an existing facility, the department shall first provide the opportunity for transfer or promotion to licensees having priority status. At that time, the department shall give priority status to a vendor who has been displaced from a facility through no fault of the vendor. A vendor shall be considered to have been displaced through no fault of the vendor if the building in which the vendor's facility is located has:

- a. Closed; or
- b. Lost a substantial portion of its population so that the facility no longer meets the financial guidelines of profitability established by the business enterprises program.

7.10(2) If the department does not select a vendor with priority status for the transfer or promotional opportunity, all active and inactive licensees and trainees will be notified in writing of the availability of transfer or promotion. The notice will provide the following information concerning the transfer or promotional opportunity:

- a. The location of the available facility;
- b. The operating requirements of the facility;
- c. The potential or actual gross earnings of the facility; and
- d. The deadline for submission of applications.

7.10(3) The committee will evaluate the applications on the basis of the following criteria:

- a. Ability to meet the requirements of operating the facility;
- b. Trainee reports or performance evaluation scores obtained during the preceding five years;
- c. Work attitudes, including good customer relations, cooperation with property management, and participation in instructional conferences;
- d. Knowledge and application of sound business practices, including adequate and accurate accounting procedures, maintenance of reasonable productivity standards, cleanliness and sanitation, and reasonable return related to the volume of business; and
- e. Timely filing of specified documents, reports and fees with the department.

When the same score is received by two vendors, the number of years that the vendor has been actively licensed in the Iowa program will be the deciding factor in awarding the transfer or promotion.

7.10(4) The final appointment for all transfers and promotions will be made by the director of the department. Before making this decision the director will review the recommendation of the committee and the division administrator. All applicants and the committee will be notified in writing regarding the decision for appointment.

7.10(5) A licensee requesting facility priority for assignment through transfer or promotion must first receive a formal recommendation for such from the committee. The request for recommendation from the committee must be submitted in writing within 30 days of facility closure, and the licensee shall appear in person to ask for the recommendation. Priority shall only be considered when the facility is closed through no fault of the licensee.

7.10(6) After the recommendation has been received, it will be forwarded to the director, Iowa department for the blind, for written approval or denial within 30 calendar days.

7.10(7) If the licensee receives committee and department approval for priority, the program administrator, business enterprises program, shall issue a formal written statement within 30 calendar days to the licensee, advising the licensee of priority status for transfer or promotion.

7.10(8) If a licensee is not recommended for priority status, the program administrator shall issue a formal written notice to the licensee within 30 calendar days, indicating why priority status was not granted.

7.10(9) In order for a licensee to qualify for priority status, the following criteria must be met: an average score of 90 or above for the past five years on inspection reports and bid evaluation scores, and an average of “meets standards” on performance evaluations.

7.10(10) Priority shall only be issued for facilities of comparable type and size to the facility formerly operated by the licensee. Facility types are cafeteria or vending. Comparable size shall be determined by approximately 25 percent of the gross sales at the vacant facility over and above the gross sales of the facility formerly operated by the licensee where priority is requested.

7.10(11) Priority status shall be limited to a two-year period, which shall commence at date of issuance. If a licensee is offered an equivalent facility during that period and does not accept assignment, priority status shall be terminated in writing, unless the committee and department determine that there are extenuating circumstances where the licensee cannot accept assignment.

7.10(12) If no equivalent facility becomes available during the two-year priority period, the licensee may apply in writing to the committee and department for a one-year extension. If, at the end of the additional year, no equivalent facility is available, the licensee may apply in writing for a second and final one-year extension through the committee and department. The initial two years, plus the two extensions, must be consecutive. All granted extensions shall be in writing from the program administrator, business enterprises program.

7.10(13) Actions pursuant to rule 7.10(216D) are subject to appeal procedures of this chapter and the procedures in 111—Chapter 8.

111—7.11(216D) Placement and performance evaluation. The staff of the business enterprises program will complete a periodic performance evaluation of each vendor based on criteria developed by the staff and the state committee of blind vendors. Vendors in provisional status will be evaluated every three months and vendors in permanent status will be evaluated annually.

7.11(1) *Placement in provisional status.* When a vendor is appointed for the first time, the vendor will be placed in provisional status. The vendor will be provided with the rating criteria for performance evaluation as a part of the operating agreement (defined in 111—7.12(216D)). A vendor cannot remain in provisional status for longer than two years.

7.11(2) *Placement in permanent status.* When the vendor has received satisfactory ratings on at least two consecutive performance evaluations, the vendor will be placed in permanent status. Failure to achieve permanent status within 12 months shall result in the provisional operator being placed on probation.

111—7.12(216D) Operating agreement. Upon appointment of a vendor to a vending facility, the department shall execute an operating agreement with the vendor which shall detail the rights and responsibilities of the vendor and of the department in the operation of the facility.

111—7.13(216D) Reports. As specified in the operating agreement, reports must be filed with the administrative office of the department or postmarked by the fifteenth day of each month. The department will accept no more than two consecutive reports which are submitted after the deadline. When an operator exceeds this limit, the department shall impose a fine in the amount of \$100 for each report filed after the deadline. Operators submitting more than two late reports shall be placed on probation and restricted from bidding for transfer or promotion for a period of one year. For a report to be considered complete, it must contain the following documents which relate to the reporting period:

1. A profit and loss statement;
2. A signed bill verification statement;
3. Business-related tax documents; and
4. Canceled checks verifying payment of business-related taxes.

111—7.14(216D) Vending facility inventory. The department shall purchase the initial inventory for each vending facility. Upon assignment of a new operator to the facility, the department, the outgoing operator, and the incoming operator shall establish the value of the inventory.

Upon inventory settlement, the operators and the department shall use the following procedure:

1. The department shall pay the operator who is due funds for the inventory difference.
2. The indebted operator who owes money for the inventory shall negotiate a satisfactory payment plan to reimburse the department.

111—7.15(216D) Maintenance and replacement of equipment. It is the responsibility of the vendor to maintain all vending facility equipment in good repair and in attractive condition. When equipment becomes obsolete or no longer repairable, it is the responsibility of the department to replace the equipment.

7.15(1) During the first 45 calendar days of the vendor's assignment to a location or facility, the department assumes the responsibility for maintenance of equipment. Additionally, in unusual circumstances, the department may negotiate with a vendor to pay particular costs for maintenance of equipment.

7.15(2) If, in accordance with the operating agreement, the vendor does not appropriately maintain equipment and this prohibits operation of the facility in a safe, attractive and sanitary manner, the department will assume responsibility for making needed repairs and bill the vendor for the repairs.

7.15(3) The department retains title to all equipment purchased by the department.

111—7.16(216D) Distribution and use of income from vending machines on federal property. Vending machine income from vending machines located on federal property which has been disbursed to the department by a property management department, agency, or instrumentality under the vending machine income sharing provisions of 34 CFR 395.8 shall accrue to each vendor operating a vending facility on federal property in an amount not to exceed the average net income of the total number of vendors in the state as determined each fiscal year on the basis of each prior year's operation, except that vending machine income shall not accrue to any vendor in any amount exceeding the average net income of the total number of vendors in the United States.

7.16(1) No vendor shall receive less vending machine income than that received during the calendar year prior to January 1, 1974, as a direct result of any limitation imposed on such income under this ceiling.

7.16(2) No limitation shall be imposed on income from vending machines, combined to create a vending facility, when such a facility is maintained, serviced and operated by a vendor.

7.16(3) The department shall retain vending machine income disbursed by a property managing department, agency or instrumentality of the United States in excess of the amounts eligible on a quarterly basis.

7.16(4) The department will disburse vending machine income to vendors on a quarterly basis.

7.16(5) Vending machine income retained by the department may be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, for provisions of paid sick leave and vacation time for vendors, or for the maintenance and replacement of equipment. Use of this income shall be approved by a majority vote at an annual statewide vendor meeting.

111—7.17(216D) Disciplinary action. The department may impose any or all of the following disciplinary sanctions as appropriate:

7.17(1) Fines. Monetary fines shall be imposed by the department for the late filing of required reports or late payment of fees.

7.17(2) Probation. The department may place a vendor on probation of the operating agreement for a period not to exceed one year. The probationary period may include an emergency suspension of the operating agreement when appropriate for a period not to exceed 30 days. If the operator is deemed to be on probation after the end of that year, the operating agreement will be terminated.

a. Probation may occur when the department determines that any of the following conditions exist:

- (1) The vendor has repeated or continued violations of the terms of the operating agreement;
- (2) The vendor has repeated or continued violations of the vending facility permit;

- (3) The vendor is temporarily ineligible to participate in the business enterprises program;
- (4) The vendor is absent without leave; or
- (5) The health and safety of the public may be jeopardized by the continued operation of the vending facility by the vendor.

b. During the period of suspension, the vendor shall relinquish all rights and privileges of the vendor license.

c. The department and the vendor shall establish a clearly stated written plan and timetable for correction of the perceived deficiencies after suspension.

7.17(3) Termination of operating agreement. When the department determines that a probationary period has been unsuccessful or when the department determines and documents that serious and repeated infractions of the operating agreement or vending facility permit have occurred, the department may terminate an operating agreement.

7.17(4) License revocation. The department may revoke a license in the following conditions:

a. Improvement of vision so that the operator is no longer eligible for participation in the business enterprises program;

b. Written notification from the vendor requesting withdrawal from the business enterprises program;

c. Failure to execute an operating agreement by abandoning a facility;

d. Determination that the vendor is not competent to manage a vending facility;

e. Conviction of any felony; or

f. Determination that the vendor possesses a valid driver's license or is driving illegally without a valid driver's license.

7.17(5) Appeals. All disciplinary actions may be appealed through the administrative review and fair hearings process. (See 111—Chapter 8, Appeals Process—Business Enterprises Program, Iowa Administrative Code.)

7.17(6) Procedures. The department shall notify the vendor by certified mail of a disciplinary action. The notice will include the reasons for the action, the commencement date of the action, and the time period (if appropriate) for the action.

a. The department shall also provide notice in the alternative medium of braille, large print or on cassette tape as requested by the vendor. Documents served in alternative medium shall be served within ten working days.

b. When immediate action is crucial, the department shall deliver and read a document in person or shall telephone a vendor and read the document over the telephone as an acceptable alternative medium. When this provision is used, the vendor will be notified in writing in the appropriate medium within ten working days.

c. To facilitate the successful resolution of situations requiring disciplinary action, the department will offer management assistance and provide information concerning the administrative review and fair hearings process.

111—7.18(216D) Access to program information. A vendor will have access to program and financial data relevant to the operation of the business enterprises program. The department will furnish the vendor with a copy of the appropriate vending facility permit and operating agreement and the department's administrative rules. The department will explain these documents to the vendor who will indicate by signed statement that these documents have been furnished and explained.

111—7.19(216D) Confidentiality. The department and participants in the business enterprises program are governed by 34 CFR 361.38 (as published January 17, 2001) regarding protection, use, and release of personal information.

111—7.20(216D) Nondiscrimination. The department does not discriminate on the basis of sex, race, creed, color, national origin, religion, age or physical or mental disability.

These rules are intended to implement Iowa Code chapter 216D.

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CHAPTER 8
APPEALS PROCESS—BUSINESS ENTERPRISES PROGRAM

[Prior to 7/1/87, see Blind, Commission for[160] Ch 10]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 8]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—8.1(216D) Steps in appeals process. There are four steps in the appeals process of the Iowa department for the blind's business enterprises program:

1. Informal conciliation,
2. Hearing before the commission,
3. Full evidentiary hearing, and
4. Arbitration.

These steps must occur in the order in which they are listed and are more fully described herein, except that step 2 is optional.

8.1(1) Step 1: Informal conciliation. This is the necessary first step in the process to resolve any grievance. Either the vendor or the staff can commence informal conciliation. Informal conciliation must occur before any other steps in the grievance process can be used.

Informal conciliation occurs all the time and is not usually given a name by the participants, but is sometimes called administrative review. It can, but does not necessarily, involve a personal meeting between the vendor and the staff. Informal conciliation occurs when either the vendor or the staff is dissatisfied with the action of the other and contacts the other to try to work out the dissatisfaction. This contact can be by phone, by letter, or in person and usually involves discussion and negotiation of the point over a period of time. Both the vendor and staff have an interest in working out grievances informally since this is the least costly, least time-consuming, and least disruptive way of resolving differences. However, both the vendor and the staff have the right to adhere to their opinion and to move to the next step in the grievance process if informal conciliation does not resolve the grievance in a manner satisfactory to them. If either the vendor or the staff remains dissatisfied after a good-faith effort by both to resolve the grievance, then either the vendor or staff can move to the next allowable step.

8.1(2) Step 2: Hearing before the commission. This step is only available to the vendor. The staff cannot initiate a hearing before its own policy-making entity. This step is simply an option for the vendor. The vendor may choose to skip this step completely and move directly from step 1 to step 3. If the vendor chooses to skip step 2, the vendor has used all administrative remedies available to the vendor, including the option to skip a remedy.

a. The commission makes its own rules concerning procedure case-by-case at the hearing itself. If either the vendor or the staff is unsure about the procedure, the commission members should be asked to explain the procedure before the hearing starts. These hearings are generally informal, conducted by the commission so that both sides have an opportunity to present to the commission whatever the commission believes is relevant to the decision it is being asked to make.

b. It is possible that, under certain circumstances, a hearing before the commission would be a closed hearing. Unless all the proper circumstances exist to close the hearing, the hearing must be held as a part of an open, publicized meeting of the commission and listed on its agenda. One set of circumstances which could close such a hearing will arise when the vendor is seeking, as a part of the commission's decision, that the commission "evaluate the professional competency" of a department staff member concerning that staff member's "appointment, hiring performance, or discharge" and when that staff member asks the commission to go into closed session as provided in the Iowa open meetings law, Iowa Code chapter 21.

c. Another set of circumstances which could close the commission hearing may arise if the vendor or the staff wishes to raise during the hearing matters which are considered confidential. The documents which are confidential are likely to be very limited and the decision to close the hearing or to leave it open will have to be made on a case-by-case basis.

d. The Iowa open meetings law, Iowa Code chapter 21, insists that only those meetings or parts of meetings specifically exempted by a precise section of the law may be legally closed; therefore, if an exemption is not specifically met, the meeting of the commission under this subrule shall be open.

e. A vendor who has used this step in the appeals process and is dissatisfied with the result then moves to step 3.

8.1(3) Step 3: Full evidentiary hearing. Either a vendor or the staff can commence the full evidentiary hearing process, which is a required step in the appeals process. A full evidentiary hearing is part of the appeals process guaranteed to the vendor by the federal Randolph-Sheppard Act.

a. The full evidentiary hearing process is governed by rule 111—8.2(216D).

b. If the vendor is dissatisfied with the decision after a full evidentiary hearing, then the vendor may move to step 4.

8.1(4) Step 4: Arbitration. A vendor can commence arbitration if dissatisfied with the ruling after a full evidentiary hearing. Arbitration is a required step in the appeals process. Arbitration is a part of the appeals process guaranteed to the vendor by the federal Randolph-Sheppard Act. Essentially, arbitration occurs by the vendor's filing a complaint with the United States Secretary of Education, who then convenes a three-member arbitration panel. The vendor chooses one member of the three-member arbitration panel, the department chooses the second member, and those two persons choose a third person agreeable to both who serves as chair of the arbitration panel.

At the full evidentiary hearing and the arbitration stages of the appeals process, proceedings shall be conducted much like proceedings in a court of law. Both these proceedings are open to the public. The department is normally represented at both by an assistant attorney general. The vendor may be represented by an attorney or by a knowledgeable friend at the commission hearing, the full evidentiary hearing, and the arbitration hearing. The court-reported record of testimony and the documents admitted into evidence at the arbitration step shall serve as the complete record of proceedings for any further appeals. No more evidence can be added if the vendor or the department appeals the arbitration panel's decision into the federal courts. Appeal from the arbitration decision goes to the federal district court and can go as far as the supreme court of the United States.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—8.2(216D) Full evidentiary hearings. These rules define procedures under which full evidentiary hearings, required by the Randolph-Sheppard Act, shall be conducted in Iowa.

8.2(1) Definitions:

"Day" means a regular working day for employees of the state of Iowa.

"Full evidentiary hearing" means the proceeding defined by the Randolph-Sheppard Act, 20 U.S.C. 107D-1(a) and 34 CFR 395.13, July 1, 1981.

"Petitioner" means the person or agency which files the petition commencing the full evidentiary hearing proceeding.

"Respondent" means the person or agency named by the petitioner as a person or agency against which the petition is brought and from whom the petitioner seeks stated responses.

8.2(2) Commencement of proceeding.

a. *How commenced.* A full evidentiary hearing proceeding may be commenced by the department or by a vendor. A full evidentiary hearing proceeding is commenced by filing a petition with the director and serving the petition on the respondent in the manner described in these rules.

b. *Commencement by department.* If the department believes that a vendor has violated the terms of the operator's agreement then in effect between the department and the vendor, or believes the vendor has violated the rules governing the business enterprises program in Iowa so as to warrant suspension or revocation of a vendor's operating agreement or license, the department shall file a petition naming the vendor as respondent. However, in cases of imminent threat to the health or safety of vending facility patrons or concern for retention of the permit to operate a facility as governed by 111—subrule 7.5(2), the department may remove a vendor as provided in that subrule but at the same time must initiate the evidentiary hearing procedures contained in this subrule.

c. *Commencement by vendor.* If a vendor believes that the department has violated a right guaranteed to the vendor by the Randolph-Sheppard Act or Iowa law, or if the vendor is otherwise aggrieved by

the action of the department, the vendor may file a written petition naming the department as respondent within 15 days after an adverse decision from an administrative review or within 15 working days of the occurrence in the absence of an administrative review.

d. Hearing officer involved. When the director has received a petition and a response has been filed with the director under these rules, the director shall provide these documents to an impartial hearing officer selected according to law and shall thereafter act only as the employee of one of the parties. After the director has referred the documents as provided in this subrule, then the director shall serve notice upon all parties of the identity, telephone number, and address of the hearing officer in the manner prescribed in these rules.

8.2(3) The petition.

a. Contents of the petition. The petition shall be a clear, concise written statement which shall:

1. Identify the petitioner;
2. Identify the petitioner's representative;
3. Identify the respondent;
4. Give a general statement of the facts the petitioner believes constitute a violation of respondent's duty to petitioner or a violation of petitioner's rights or a grievance on petitioner's behalf;

5. In the case of the department, give the specific portion or portions of the operator's agreement or license or rules believed to have been violated;

6. In the case of a vendor, give a statement of the provisions of law on which the vendor bases a claim or violation of a right or other grievance; and

7. Give a general statement of the relief sought and the basis for such relief.

b. Serving of petition. The petitioner shall serve the petition upon the director and upon the respondent in the manner described in these rules. If the petitioner is the department, the filing of the petition with the director and serving of the petition upon respondent shall be sufficient to commence the proceeding.

8.2(4) The response.

a. Contents of the response. The response shall be a clear, concise statement which shall:

1. Identify the respondent;
2. Identify the respondent's representative;
3. Identify the petitioner;
4. Give a general statement of the facts the respondent believes constitute a legal and complete explanation for respondent's behavior;

5. In the case of the department, given specific citations to federal or Iowa law upon which it relies to explain its actions;

6. In the case of a vendor, give a statement of the provisions of law upon which the explanation is based;

7. Give a general statement of the appropriate conclusion of the proceeding from the respondent's point of view;

8. Concede as true those facts stated by the petitioner and not disputed by the respondent;

9. Concede the applicability and the correctness of the application of any law or regulation cited by the petitioner and not disputed by the respondent; and

10. Concede the appropriateness of any relief sought by the petitioner which the respondent agrees is appropriate.

b. Serving of response. Within ten days of the service of a petition prepared under subrule 8.2(3), the respondent shall file a response with the director. The response shall be served upon the director and on the petitioner in the manner described in these rules. If the respondent is the department, the filing of the response with the director is sufficient service upon the department.

c. Failure to respond. If the director receives a petition which is properly served in the manner described in these rules and to which no response is filed within ten days, then the director shall refer the petition to the hearing officer as described in subrule 8.2(2), paragraph "d." A party failing to file a response shall be taken by the hearing officer as having conceded each and every fact and application of law alleged in the petition concerning the respondent unless able to show good cause for failing to file

within ten days. The hearing officer shall direct in such cases that a response be filed as soon after the ten-day period as the hearing officer deems reasonable.

8.2(5) Discovery.

a. Petitioner's discovery, generally. Upon the filing and service of a petition, the petitioner becomes entitled to discovery.

b. Respondent's discovery, generally. Upon the filing and service of a response, a respondent becomes entitled to discovery.

c. Voluntary discovery encouraged. All parties are entitled to take court-reported depositions from persons they believe have relevant evidence, except that a vendor who is a respondent may not be compelled to give a deposition. All parties are entitled to request voluntary production of documents and things in the possession of another party.

d. Department's duty to disclose. Upon request, the department must produce for a vendor's inspection and copy any documents and things requested by the vendor and must produce for deposition any commission member or employee requested by the vendor.

e. Discovery by subpoena. If any party seeks relevant evidence not under the control of the department and cannot obtain the evidence by voluntary compliance, the hearing officer is empowered to use the subpoena power of the department to subpoena witnesses for depositions and to subpoena the production of documents and things for inspection by all parties.

f. Notice of discovery events. All parties shall be given notice in the manner described in these rules of all depositions to be taken and of all productions of documents and things, whether performed voluntarily or pursuant to a subpoena.

g. Hearing officer to supervise. The hearing officer shall supervise discovery and shall ensure:

1. That each side has the opportunity to find and examine all evidence it deems relevant;
2. That all parties conduct discovery as quickly as possible so there is no unnecessary delay of the proceedings to the harm of any party; and

3. That no party or citizen is unnecessarily burdened with repetitive cumulative or harassing requests for discovery except that the department shall be held strictly to its duty to produce as defined in subrule 8.2(5), paragraph "d."

h. Sanctions. If the hearing officer determines that any party is refusing to cooperate in discovery, is hiding evidence, or is unnecessarily delaying or dawdling in discovery to the harm of any other party, then the hearing officer shall grant some or all of the relief sought by the harmed party.

8.2(6) Hearing date and scheduling conferences.

a. Setting of hearing date. As soon after the filing and service of the response as can be arranged, the hearing officer shall hold a conference between the parties to set a date for the hearing. All parties shall provide to the hearing officer their best estimate of how long their discovery will take and shall provide suggested hearing dates. The hearing officer shall then set a date for the hearing, taking into consideration the estimates of each party concerning discovery, the convenience of witnesses and counsel, and the need to conduct the proceedings expeditiously. Testimony shall be taken evenings or weekends if blind persons who are employed are to be called as witnesses. The hearing officer shall write an order scheduling the date for the hearing within 15 working days of receipt of a response unless the vendor and the department agree in writing to some other period of time.

b. Rescheduling of hearing date. If any party finds that discovery is taking longer than estimated despite the party's efforts or for any other good cause, the hearing officer may reschedule the hearing for a later date by means of a second conference at which the party seeking rescheduling shall state its reasons and any other party has the opportunity to object. After hearing all relevant statements from the parties, the hearing officer shall reschedule the date or not reschedule the date as required by equity, the provisions of subrule 8.2(5), paragraph "g," giving the hearing officer supervisory authority over discovery, and the provisions of subrule 8.2(6) governing the setting of hearing dates.

c. Methods of holding conferences. Conferences held under this rule may be held in person or by telephone or by a combination of both, according to the convenience of the hearing officer and the parties.

d. Notice. Notice of these conferences shall be served upon all parties in the manner described in these rules.

8.2(7) Prehearing conference.

a. Scheduling the conference. The hearing officer shall schedule a prehearing conference so that all parties or representatives may be present. Normally it will be held 20 days before the date set for the hearing, but the date of this conference may be more than 20 days before the date set for the hearing if all parties agree, if the date would otherwise fall on a weekend, or if the hearing officer's schedule requires it. In no case shall the prehearing conference be nearer to the date set for the hearing than five days. The hearing officer shall serve notice of the prehearing conference at least ten days prior to the date set for the conference in the manner described in these rules. If any party objects to the time set for the conference, the party shall immediately notify the hearing officer and the hearing officer shall conduct an immediate conference with all parties as soon as possible so the prehearing conference can go forward. Aside from the provisions of this paragraph, the hearing officer shall only change the prehearing conference to accomplish the provisions of subrule 8.2(7), paragraph "b."

b. Conference in person. To the greatest extent possible, the hearing officer shall schedule the prehearing conference so that all parties may be present in person or through their representatives being present in person.

c. Facts and law. During the prehearing conference, the hearing officer shall determine the facts on which all parties agree, the facts on which any parties disagree, the applications of law about which all parties agree, and the areas of applications of law about which the parties disagree.

d. Witnesses exchanged. During the prehearing conference, each party shall provide the hearing officer and the other parties with a list of the witnesses the party intends to call at the hearing. If any party does not recognize a witness or the purpose for which the witness is being called, the hearing officer shall require the party intending to call the witness to describe briefly the witness including the witness' relation to any party and shall require a brief summary of the testimony the witness is expected to provide.

e. Documents exchanged. During the prehearing conference, each party shall provide the hearing officer and all other parties a copy of every document the party intends to introduce into evidence and a copy of every document the party might introduce during its case or during rebuttal. The hearing officer may designate those documents intended to be introduced at this time if that is desired. Upon the request of any party, the party offering a document shall be required to identify the person or persons who prepared a document and the source of information presented in a document.

f. Objections to evidence. During the prehearing conference, the hearing officer shall hear and determine all objections to the admission of evidence which can be fully and fairly made at this time so that time at the hearing can be used for the taking of admissible evidence.

g. Settlement. During the prehearing conference, the hearing officer shall encourage the reaching of a settlement agreement which is fair and equitable to all parties.

h. Completing discovery. During the prehearing conference, the hearing officer shall settle all unresolved matters of discovery.

i. Final discovery schedule. At the end of the prehearing conference, the hearing officer and all parties shall jointly make a schedule for completing any discovery to ensure that the hearing shall proceed on schedule.

j. Prehearing order. Within one week of the prehearing conference, the hearing officer shall prepare and serve upon all parties in the manner described in these rules a prehearing order which shall:

1. List the participants in the conference and whether they were present in person or by telephone;
2. State the relevant facts and applications of law not in dispute;
3. State the facts and applications of law which constitute the dispute;
4. Attach the list of witnesses of each party;
5. List the exhibits intended to be introduced by each party, giving designations if already assigned;
6. Attach the schedule for completing discovery;
7. Set forth any rulings on the admissibility of evidence together with the reason why the ruling is made.

8.2(8) The hearing.

a. Order of presentation. The order of presentation at the hearing shall be as follows:

1. Opening statement by petitioner;

2. Opening statement by respondent;
3. Witnesses and exhibits from petitioner;
4. Witnesses and exhibits from respondent;
5. Rebuttal witnesses and exhibits from petitioner;
6. Rebuttal witnesses and exhibits from respondent;
7. Closing statement by petitioner;
8. Closing statement by respondent; and
9. Rebuttal statement by petitioner.

b. Evidence. During the hearing, the hearing officer shall receive all oral and documentary evidence from witnesses, documents and things which are relevant to the issues in dispute. The hearing officer may exclude totally irrelevant evidence or evidence which is repetitive and shall admit the kind of evidence upon which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, even if it would be inadmissible in a jury trial. During the presentation of evidence by one party, the other party and the hearing officer may cross-examine witnesses. Objections to evidence that it is totally irrelevant or repetitive must be made and ruled upon, where possible, at the prehearing conference. If the hearing officer excludes evidence in the prehearing order, the party offering the evidence may offer the excluded evidence again at the hearing if other evidence makes the excluded evidence relevant to the party's case or rebuttal.

c. Subpoenas. The hearing officer is empowered to use the subpoena power of the department to compel the attendance of witnesses and the production of documents on behalf of any party which seeks a subpoena and shows that the evidence cannot otherwise be presented.

d. Reporting or recording. The hearing shall be reported by a certified shorthand reporter or, by agreement of all parties, the hearing may be tape recorded. If the hearing is reported, the department shall pay for the reporter. If the hearing is recorded, any party may transcribe the hearing at the party's own expense. The transcript of testimony, exhibits, and all papers and documents filed in the hearing shall constitute the exclusive record for decision.

e. Offering of new evidence and recesses for reading it. If any party seeks to introduce a document into evidence which was not exchanged with other parties at the prehearing conference as required in subrule 8.2(7), paragraph "e," the hearing officer shall hear objections to the admission of the document on the grounds it was not so exchanged. The document shall be admitted only if the party offering the document can show that the party did not know of the existence of the document before the prehearing conference or had some other good reason why the document was not exchanged as required. If a document is offered into evidence, any blind hearing officer, blind representative, or blind vendor may automatically have a recess of the hearing for a reasonable time to study the document.

f. Burden of proof. The burden of proof shall rest upon the petitioner at all times, and the decision of the hearing officer shall be rendered according to the preponderance of the evidence.

g. Briefs. Within ten days after the hearing, the petitioner may file with the hearing officer a brief which shall be served upon all other parties in the manner prescribed in these rules and which shall summarize the facts and state the applicable law. Within five days after the filing of a petitioner's brief, the respondent may file a reply brief summarizing the facts and stating the law which shall be served upon all parties in the manner described in these rules. Within five days of filing a reply brief, the petitioner may file a rebuttal brief, which shall be served on all parties. If any party chooses not to file a brief, the parties following it in order may still file briefs. Any party may waive the filing of briefs.

8.2(9) Decision on the record.

a. Written decision. Within 15 working days after receipt of the official transcript, the hearing officer shall render a decision. The decision shall be written and shall be served upon all parties in the manner described in these rules.

b. Finality of decision. The decision of the hearing officer shall be final unless a party appeals the decision as provided in subrule 8.2(10).

c. Contents of decision. The hearing officer's decision shall clearly state the facts found by the hearing officer, the law found by the hearing officer to be applicable, the hearing officer's specific applications of the law to the dispute presented at the hearing, and the relief to be granted, if any, which the hearing officer finds to be fair, equitable, and according to law.

d. Reader services or other communication services. Reader services or other communication services will be arranged for a vendor requesting them. Transportation costs and per diem shall be provided to the vendor if the evidentiary hearing is in a city other than the legal residence of the vendor. The hearing will be held at a time and place convenient and accessible to the vendor.

8.2(10) Appeal. A vendor dissatisfied with the decision rendered after a full evidentiary hearing may request that an arbitration panel be convened by filing a complaint with the United States Secretary of Education, as described in 20 U.S.C. 107D-1(a) and 34 CFR 395.13, effective July 1, 1981, and serving upon all other parties the letter demanding arbitration.

8.2(11) Settlement. The hearing officer shall at all times encourage settlement by the parties before the hearing. The hearing officer shall be satisfied that any settlement decree proposed by the parties is fair and equitable to all parties and, if so, shall sign the decree along with all the parties and shall retain jurisdiction over the parties for a reasonable period, to be provided for in the decree, to ensure that the decree is implemented.

8.2(12) Hearing officer.

a. Generally. The hearing officer shall conduct all proceedings to ensure every party an opportunity to make its case and to avoid unnecessary delay. The hearing officer shall be an impartial, qualified official who has no involvement either with the action at issue or with the administration or operation of the vending program. The hearing officer shall be a qualified state agency hearing officer and shall in no case be a staff member of the department.

b. Interim orders. The hearing officer shall have the power to make all interim orders deemed necessary for the orderly and fair progression of the proceeding. Where appropriate, the hearing officer may make orders determining the interim relation of the parties in the proceeding.

c. Sanctions. The hearing officer shall have the power to supervise the proceeding generally and to fashion those orders for punishment of dawdling or misbehavior of any party which fairness requires. These orders may include the granting of some or all of the relief sought by the party who was harmed by the dawdling or misbehavior of a party.

d. Ex parte communication prohibited. The hearing officer shall not communicate directly or indirectly about any issue of fact or law in the hearing with any party except with notice and opportunity for all parties to participate as provided in these rules.

8.2(13) Representatives.

a. Representatives designated. Upon the filing of a petition or response, every party shall designate the person, if any, who will serve as the party's representative, giving work and home telephone numbers and work address of the representative. Vendors may choose to represent themselves and shall, if they choose to do so, indicate that choice on the petition or response. The department may choose to have one of its employees serve as representative and, if it elects to do so, shall so indicate on the petition or response. Any party may choose to be represented by an attorney. Any party may choose to be represented by a friend, advocate, or representative not licensed to practice law.

b. Change of representative. If, at any time, for any reason, the designation of representative of a party changes, that party shall immediately serve notice in the manner described in these rules upon the hearing officer and all other parties, identifying the new representative and giving the information required to be provided by subrule 8.2(13), paragraph "a."

c. Duties of representatives. The representative designated by a party shall appear with the party at all points in the proceeding. The party may be represented at any point in the proceeding by the representative alone. The representative shall have the power to act for and to bind the party represented, after consultation with that party.

8.2(14) Notice and service.

a. Form of notice. Every petition, response, notice, order, decision, and other document required to be served under these rules shall be served on every party in standard print. In addition to the standard print document, a blind vendor, blind representative, or blind hearing officer shall also receive service in braille, tape, or large print at the choice of the vendor, representative, or hearing officer. The department shall maintain a list of choice of alternative medium of each vendor. Documents served in the alternative medium shall be served in a timely manner.

b. Basic documents. The petition or response, the prehearing order, and the hearing officer's decision shall be served upon the blind vendor, blind representative, or blind hearing officer in the medium of that person's choice in addition to service in standard print. This requirement cannot be waived.

c. Hearing officer serving notices, orders. In addition to sending scheduling notices to a blind vendor or blind representative in standard print, the hearing officer may telephone the blind person and read the notice over the telephone as the alternative medium for the blind person. If the hearing officer elects this method, the hearing officer shall keep a log showing the time and date of the call. If the hearing officer chooses this method, no discussion of the proceeding shall occur during the call except that the receiver may register objections to scheduling. The prehearing order and the decision will be produced by the department and in a timely manner unless the hearing officer chooses to tape or braille these documents personally.

d. Waiver. The blind vendor, blind representative, or blind hearing officer may waive service of all documents, except basic documents, in an alternative medium by filing a waiver with the hearing officer and serving the waiver on all parties.

e. Service methods. Service of documents can be made in one of three ways: By a sheriff or deputy who prepares for the serving party a return of service; by certified mail, return receipt requested, with a delivery restricted to the party to be served; or by a person not employed by or related to any party who is over 18 years of age and who hands the document to the party to be served and makes a return of service for the serving party.

f. Service recorded. Every document served under these rules will be accompanied by a statement of how the document is being served, signed by the party doing the serving. Proofs of service will be maintained by the serving party.

g. Serving the department. The department may be served during regular business hours at its Des Moines office through acceptance of the document by the director, a deputy director, or administrative assistant to the director, any one of whom may sign the return receipt.

h. Serving the vendor. The vendor may be served at home or at work, but only the vendor or the vendor's spouse can accept service. If the vendor designates a representative, the representative shall accept service on behalf of the vendor from the time the representative begins to act on the vendor's behalf. The representative may be served in the same manner the department is served. The fact that a representative is accepting service for the vendor does not remove the requirement for service to be in the alternative medium as defined in this rule.

i. Disputes. If a dispute arises concerning the receipt of service, the hearing officer shall examine the documents showing service by the serving party, the intended recipient, and any other relevant evidence. Genuine disputes shall be resolved in favor of the person who states that a document was not received except that a document's being served and then lost at the department shall not constitute failure of service. If the hearing officer finds that a document was not received, the schedule of proceedings shall be adjusted accordingly. If a party misses a deposition, production, or conference due to lack of service, the hearing officer shall fashion an appropriate remedy.

j. Sanctions. If the hearing officer determines that a party deliberately or negligently failed to serve another party who was harmed by the lack of service, the hearing officer shall fashion appropriate sanctions which may include granting some or all of the harmed party's relief.

8.2(15) Referring to these rules.

a. Official citation. These rules shall be published in the Iowa Administrative Code with each rule preceded by the agency number and followed by the appropriate Iowa Code section or Acts designation in parentheses.

b. Ordinary citation. During the course of a hearing proceeding in all oral and written statements, these rules may be referred to by simple designation, omitting the Iowa Code reference. For example, this paragraph may be referred to as subrule 8.2(15), paragraph "b."

c. Availability. To facilitate the availability and use of these rules, each vendor shall be provided with a copy in a designated medium and the library for the blind and physically handicapped shall have copies in all three media available for borrowing. These shall give the Iowa Administrative Code

citation at the beginning and shall thereafter use the ordinary designation method described in subrule 8.2(15), paragraph “b.”

These rules are intended to implement Iowa Code chapter 216D.

[Filed 9/20/85, Notice 5/8/85—published 10/9/85, effective 12/18/85]

[Filed 6/9/87, Notice 3/25/87—published 7/1/87, effective 8/5/87]

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[Filed 6/27/97, Notice 5/7/97—published 7/16/97, effective 8/20/97]

[Filed ARC 0461C (Notice ARC 0181C, IAB 6/27/12), IAB 11/28/12, effective 1/2/13]

CHAPTER 9
ADULT ORIENTATION AND ADJUSTMENT CENTER

[Prior to 7/1/87, see Blind, Commission for[160] rule 2.6]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—9.1(216B) Function. The adult orientation and adjustment center is a residential rehabilitation program which provides intensive instruction in alternative techniques of blindness and in development of positive attitudes about blindness. The adult orientation and adjustment center also carries out public relations and educational programs in an effort to gain public awareness and recognition of the ability of blind persons to be in the mainstream of society.

111—9.2(216B) Eligibility.

9.2(1) Enrollment in the adult orientation and adjustment center shall be limited to persons 17 years of age or older.

9.2(2) Clients of vocational rehabilitation services or independent living rehabilitation services shall be eligible for admission to the adult orientation and adjustment center as specified in their individual plan for employment.

9.2(3) Persons who remain in the caseloads of vocational rehabilitation or independent living programs in other states shall not be accepted as students in the adult orientation and adjustment center, unless a formal written request from the out-of-state agency is received and approved by the commission. Clients of out-of-state agencies will be enrolled only when doing so would not deny training to an otherwise eligible client of the department.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—9.3(216B) General program policies. Student use of dog guides will not be allowed during program activities of the adult orientation and adjustment center. However, users of dog guides shall otherwise have access to all department facilities, subject to applicable state or federal laws and regulations.

These rules are intended to implement Iowa Code chapter 216B.

[Filed 9/17/79, Notice 6/13/79—published 10/3/79, effective 11/7/79]

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CHAPTER 10
VOCATIONAL REHABILITATION SERVICES

[Prior to 7/1/87, see Blind, Commission for[160] Ch 2 and rule 3.3]

[Prior to 9/21/88, see Blind, Division for the[423] Ch 10]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—10.1(216B) Function. Vocational rehabilitation services assist eligible individuals to achieve an employment outcome consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

111—10.2(216B) State plan. The state plan for vocational rehabilitation of the blind of Iowa is developed by the department pursuant to federal regulations and submitted to the United States Department of Education, rehabilitation services administration. The state plan delineates the scope of vocational rehabilitation services to individuals and to groups, ensures that written policies are maintained, and provides guidelines for expenditure of funds.

In accordance with 34 CFR 361.29 (as published in the Federal Register on January 22, 2001), reports of statewide studies and evaluations are available to the public for review.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—10.3(216B) Application procedures. Persons desiring vocational rehabilitation services should contact the department and must complete the application process. An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate, (1) has completed and signed an agency application form; (2) has provided information necessary to initiate an assessment to determine eligibility and priority of services; and (3) is available to complete the assessment process.

111—10.4(216B) Eligibility.

10.4(1) Eligibility for vocational rehabilitation shall be determined upon the presence of four basic conditions: (1) the existence of blindness as defined in rule 111—1.4(216B); (2) the existence of blindness constitutes or results in a substantial impediment to employment; (3) the individual intends to achieve an employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and (4) the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.

Applicants who meet the eligibility requirements stated in the paragraph above will be presumed to be able to benefit from vocational rehabilitation services in terms of an employment outcome, unless the department can prove with clear and convincing evidence that the applicant is incapable of benefitting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.

Any applicant who has been determined eligible for social security benefits under Title II or Title XVI of the Social Security Act is (1) presumed eligible for vocational rehabilitation services, and (2) considered an individual with a significant disability.

No duration of residence requirement is imposed that excludes from services any applicant who is present in the state. No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability. The eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant; type of expected employment outcome; source of referral; or the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

Nothing in this rule is to be construed to create an entitlement to any vocational rehabilitation service.

10.4(2) Whenever changed circumstances, such as a decrease in fiscal or personnel resources or an increase in its program costs, indicate that the department may no longer be able to provide a full range of services, as appropriate, to all eligible applicants, the department will invoke an order of selection policy based upon 34 CFR 361.36 (as published in the Federal Register on January 22, 2001).

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—10.5(216B) Services.

10.5(1) Vocational rehabilitation services are any services described in an individualized plan for employment necessary to assist an individual in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

Services may include the following: assessment for determining eligibility and priority for services; assessment for determining vocational rehabilitation needs; vocational rehabilitation counseling and guidance; referral and other services necessary to secure needed services from other agencies and to advise individuals about the client assistance program; physical and mental restoration; vocational and other training services, including personal and vocational adjustment training; maintenance; transportation; vocational rehabilitation services to family members; interpreter services for individuals who are deaf-blind; reader services; rehabilitation teaching services; orientation and mobility services; job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services; supported employment services; personal assistance services; postemployment services; occupational licenses, tools, equipment, initial stocks and supplies; rehabilitation technology; transition services; technical assistance and other consultation services to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; and provision of other goods and services determined necessary to achieve an employment outcome.

10.5(2) Services for groups of individuals who are blind. The department may also provide for the following vocational rehabilitation services for the benefit of groups of individuals who are blind: (1) The establishment, development or improvement of a public or other nonprofit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment including, under special circumstances, the construction of a facility. (2) Telecommunication systems that have the potential for substantially improving vocational rehabilitation service delivery methods and developing appropriate programming to meet the particular needs of individuals who are blind, including telephone, television, video description services, satellite, tactile-vibratory devices, and similar systems, as appropriate. (3) Special services to provide nonvisual access to information for individuals who are blind, including the use of telecommunications, braille, sound recordings, or other appropriate media; tactile materials for individuals who are deaf-blind; and other special services that provide information through tactile, vibratory, auditory, and visual media. (4) Technical assistance and support services to businesses that are not subject to Title I of the Americans with Disabilities Act of 1990 and that are seeking to employ individuals who disabilities. (5) In the case of any small business enterprise operated by individuals with significant disabilities under the supervision of the department, including enterprises established under the Randolph-Sheppard program, management services and supervision provided by the department along with the acquisition by the department of vending facilities or other equipment, initial stocks and supplies, and initial operating expenses. (6) Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any one individual. (7) Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to postschool activities, including employment.

10.5(3) Joint planning between an eligible individual and staff will be employed in the development of the individual plan for employment in order to determine which specific services may be needed and to ensure that the individual has the opportunity to make an informed choice regarding employment goals and objectives. The following factors may be taken into account in arriving at a decision as to what services will be provided: the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

111—10.6(216B) Consideration of comparable services and benefits.

10.6(1) Prior to providing any vocational rehabilitation services, except those services listed in subrule 10.6(3), to an eligible individual or to members of the individual's family, the department must

determine whether comparable services and benefits exist under any other program and if those services and benefits are available to the individual. Full consideration is given to any comparable service or benefit available to an eligible blind person under any program, except for grants or awards from organizations of the blind.

10.6(2) To the extent that an individual is eligible for comparable services or benefits, they are utilized insofar as they are adequate and do not interrupt or delay: (1) the progress of the individual toward achieving the employment outcome identified in the individualized plan for employment or an immediate job placement; or (2) the provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk.

10.6(3) The following services are exempt from a consideration of comparable services and benefits under subrule 10.6(1) above: (1) assessment for determining eligibility and vocational rehabilitation needs; (2) counseling and guidance; (3) referral services to other agencies; (4) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services; (5) rehabilitation technology services; (6) postemployment services; and (7) training in the adult orientation and adjustment center.

10.6(4) The consideration of comparable services and benefits under any program does not apply if such a consideration would delay the provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk as defined by rule 111—1.4(216B), based on medical evidence provided by an appropriate qualified medical professional; or an immediate job placement would be lost due to a delay in the provision of comparable services and benefits.

10.6(5) In the event that severe revenue shortages make budget reductions necessary, the department may invoke a limitation on payment of tuition each semester to a rate no greater than the maximum tuition rate effective at institutions operated by the Iowa board of regents for each semester of the individual's enrollment. When it is necessary to invoke this limitation with general notice to the public and to individuals potentially affected, exceptions may be made in cases in which a reasonable necessity for a waiver can be demonstrated, the individual's counselor recommends a waiver, and the program administrator approves the waiver before the individual's enrollment. In no case, however, shall this rule be construed as discouragement of an individual's attending private or out-of-state institutions when utilization of other available funds makes it possible to do so.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—10.7(216B) Termination of services.

10.7(1) A decision to terminate vocational rehabilitation services shall be made only after providing an opportunity for full consultation with the individual or, if appropriate, with the individual's representative.

10.7(2) The individual will be informed in writing of the reasons for the termination of services; furnished information on how the individual may appeal the decision as provided in rule 111—10.8(216B); and provided with a description of the services of the Iowa client assistance program and how to contact that program.

10.7(3) For those individuals who have been determined incapable of achieving an employment outcome, their circumstances will be reviewed annually, if requested, unless they have refused services, are no longer in the state, their whereabouts are unknown, or they have a medical condition which is rapidly progressive or terminal.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—10.8(216B) Dispute resolution process. This rule defines the procedures under which the dispute resolution process, required by the Rehabilitation Act of 1973, shall be conducted by the department.

10.8(1) Definitions.

"Administrative review" means a procedure by which the department may provide an opportunity for an applicant or eligible individual to express and seek remedy for dissatisfaction with a decision regarding the furnishing or denial of services.

“Formal hearing” means a procedure whereby an applicant or eligible individual who is dissatisfied with the findings of an administrative review or mediation concerning the furnishing or denial of services may request a timely review of those determinations before an impartial hearing officer.

While the department encourages the use of the administrative review process to resolve grievances, the administrative review process is not to be used as a means to delay mediation or a formal hearing before an impartial hearing officer unless the parties jointly agree to a delay. An applicant or eligible individual may elect to proceed directly either to mediation or to the formal hearing process. The department will not suspend, reduce, or terminate vocational rehabilitation services to any applicant or eligible individual throughout the administrative review, mediation or formal hearing process before a final agreement or decision is made, unless the applicant or eligible individual or, as appropriate, the applicant’s or eligible individual’s representative so requests, or the department has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the applicant or eligible individual.

“Mediation” means an alternative which an applicant or eligible individual may choose if the applicant or eligible individual is dissatisfied with the findings of an administrative review concerning the furnishing or denial of services.

10.8(2) *Administrative review.* An applicant or eligible individual may request review of a decision regarding furnishing or denial of services with which the applicant or eligible individual is dissatisfied by submitting a letter to the program administrator of field operations.

a. The program administrator shall acknowledge receipt of the letter and arrangements shall be made for the administrative review to be held at a mutually convenient date, time, and place which shall be within ten days after receipt of the request for review. The applicant or eligible individual shall also be notified of the applicant’s or eligible individual’s right to obtain assistance through the Iowa client assistance program.

b. The administrative review shall consist of review of the case file and any other documentation involved in the subject matter of the review; interviews with the service specialists for the blind and any others directly involved with the subject matter of the review; and an interview with the applicant or eligible individual or, as appropriate, a representative of the applicant or eligible individual.

c. The program administrator shall issue a written decision within five days of the review. The decision shall set forth the issue, principle, and relevant facts established during the review; pertinent provision of law, administrative rule or department policy; and the reasoning upon which the decision is based. The letter transmitting the decision shall advise the applicant or eligible individual that the applicant or eligible individual shall inform the program administrator within seven days that either: (1) the applicant or eligible individual accepts the decision; or (2) the applicant or eligible individual does not accept the decision and wishes to proceed either to mediation or to a formal hearing.

d. A record of the decision and any action resulting from the decision shall be sent to the applicant or eligible individual by mail. The decision and a record of any action resulting from the decision shall be entered into the case file.

10.8(3) *Mediation.* An applicant or eligible individual who is dissatisfied with the findings of an administrative review or who has elected to bypass the administrative review process may request mediation by submitting a letter to the program administrator. This letter must be received within seven days of the date of determination of the administrative review, if an administrative review has been conducted.

a. The program administrator shall acknowledge receipt of the request for mediation and shall make arrangements for mediation to occur within 30 days of the request to initiate the dispute resolution process. The date, time, and place shall be mutually agreeable to all parties. The applicant or eligible individual shall be notified in writing of the right to submit evidence or information to support the applicant’s or eligible individual’s position and to obtain representation to be present during the mediation sessions. The applicant or eligible individual shall also be notified of the applicant’s or eligible individual’s right to obtain assistance through the Iowa client assistance program. All mediation sessions shall be held in a timely manner and shall be concluded within 45 days of the date that the applicant or eligible individual initiated the dispute resolution process, unless an extension of this time is agreed upon by all parties.

The department will pay costs for the mediator and, when appropriate, transportation, meals and lodging expenses for the applicant or eligible individual which are directly associated with the mediation process. The program administrator will determine who will represent the department during mediation sessions.

b. The department will maintain a list of individuals who are impartial, qualified mediators and knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services.

c. A mediator will be selected at random or by agreement of the director and the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's representative from the list described in paragraph "b."

d. Discussions which occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

e. All agreements reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement. This agreement shall be prepared by the mediator and mailed within seven days to all parties. The decision and a record of any action resulting from the decision shall be entered into the case file.

f. Either party to the dispute may request a formal hearing. This request must be in writing and must be submitted to the director within seven days of the date of the written mediation agreement.

10.8(4) Formal hearing. An applicant or eligible individual who is dissatisfied with any determinations made concerning the furnishing or denial of vocational rehabilitation services, or the findings of an administrative review or mediation if an administrative review or mediation took place, may request a formal hearing by submitting a letter to the director.

a. The director shall acknowledge receipt of the request and make arrangements for a formal hearing to be held within 60 days of the request of the applicant or eligible individual to initiate the dispute resolution process at a date, time, and place mutually agreeable to both parties. The applicant or eligible individual shall also be notified of the right to have a representative present at the formal hearing and to seek assistance through the Iowa client assistance program. Reasonable time extensions shall be granted for good cause shown at the request of a party or at the request of both parties.

b. The impartial hearing officer shall be an individual who is not an employee of a public agency other than an administrative law judge, hearing examiner, or employee of an institution of higher education. (An individual is not an employee of a public agency solely because the individual is paid by that agency to serve as a hearing officer.) The impartial hearing officer: (1) is not a member of the commission for the blind; (2) has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or eligible individual; (3) has knowledge of the delivery of vocational rehabilitation services, the state plan, and the federal regulations and state rules governing the provision of services; (4) has received training with respect to the performance of official duties; and (5) has no personal, professional, or financial interest that would be in conflict with the hearing officer's objectivity. The director may also request that other designated department personnel be present at the formal hearing. At the request of the applicant or eligible individual, a representative of the applicant or eligible individual and a representative of the Iowa client assistance program may also be present. Any of these persons shall have the opportunity to present relevant evidence.

c. An impartial hearing officer must be selected on a random basis or by agreement between the director and the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's representative from a pool of persons qualified to be an impartial hearing officer.

d. The impartial hearing officer shall inform those present of the confidentiality of matters discussed. The proceedings shall be recorded and, if necessary, transcribed.

e. Within 30 days of the completion of the formal hearing, the decision of the impartial hearing officer shall be mailed to the applicant or eligible individual or, if appropriate, the applicant's or eligible individual's representative, and to the director. A representative of the Iowa client assistance program who has attended the formal hearing shall also receive a copy of the decision. The applicant or eligible individual may receive a copy of the transcript of the hearing upon written request to the director. The decision and a record of any action resulting from the decision shall be entered into the case file.

The decision of the impartial hearing officer shall be based upon the provisions of the approved state plan, the federal Vocational Rehabilitation Act of 1973, federal vocational rehabilitation regulations, and state rules and policies.

f. The decision of the impartial hearing officer is final.

10.8(5) Documents provided. Transcripts, notices, responses, and other documents which are an integral part of the dispute resolution process shall be provided to involved parties in standard print format. An applicant or eligible individual, or representative of an applicant or eligible individual, or other involved party may request provision of documents in an alternative medium. Documents in the alternative medium shall be provided in a timely manner.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—10.9(216B) Applicant's and eligible individual's rights. The counselor/teacher must inform the applicant or eligible individual of the applicant's or eligible individual's rights as follows:

10.9(1) A written statement of rights, which sets forth the department's policies and practices with regard to administrative review, fair hearing, confidentiality of records and nondiscrimination, shall be provided to the applicant as a part of the application process.

10.9(2) When an applicant is determined ineligible to receive vocational rehabilitation services, the applicant shall receive written notification of the right to appeal and information concerning services available through the Iowa client assistance program.

10.9(3) The individual plan for employment will include a statement that the individual has been informed of the department's policies regarding administrative review, fair hearing, confidentiality of records and nondiscrimination.

10.9(4) Upon termination of services through the standard case closure procedure, the individual shall be given a written statement of the right to appeal the termination, including information about services available through the Iowa client assistance program.

10.9(5) When disagreement occurs, staff shall verbally inform the applicant or individual of the right to appeal and provide information about services available through the Iowa client assistance program.

111—10.10(17A) Forms. The following forms are used by the vocational rehabilitation services program:

1. Application for rehabilitation services—used for application for vocational rehabilitation services from the department.

2. Individual plan for employment (IPE)—used by the counselor/teacher and individual to develop a blind person's program for rehabilitation. The IPE must contain the following statements: mutual agreement and understanding between individual and counselor; department's program responsibilities; individual responsibilities; review and evaluation of progress toward objectives and goal; and individual rights and remedies. In addition, the IPE provides for mutual development of a vocational goal, summary of planned services, accepted criteria for review and evaluation purposes and individual acceptance and response.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

These rules are intended to implement Iowa Code chapter 216B.

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◇ Two or more ARCs

CHAPTER 11
INDEPENDENT LIVING REHABILITATION SERVICES
[Prior to 9/21/88, see Blind, Division for the[423] Ch 11]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—11.1(216B) Function. Independent living rehabilitation services assist blind Iowans who are ineligible for traditional vocational rehabilitation services to achieve their maximum level of independence within family and community life.

111—11.2(216B) Services. Independent living rehabilitation services may include, but are not limited to: teaching alternative techniques of blindness; guidance and counseling; orientation and mobility training; referral; recreational activities; provision and instruction in the use of telecommunication, sensory and other technological aids and devices; and provision of technical assistance through consultation with health care providers and other agencies and organizations who serve blind persons.

Joint planning between the eligible individual and the staff will be employed in the development of an independent living rehabilitation plan (ILRP) in order to identify independent living objectives and services that will be most beneficial in achieving an eligible individual's independence. Eligible individuals will be given the option of waiving the right to a formal, detailed ILRP and may choose to simply list their independent living objectives.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—11.3(216B) State plan. The state plan for independent living (SPIL) is developed pursuant to federal regulations and is submitted to the United States Department of Education, rehabilitation services administration. The SPIL delineates expenditure of funds, describes administrative procedures, establishes program goals, and identifies the scope and extent of services. It is developed, implemented, and evaluated jointly by the Iowa department for the blind, the department of education, division of vocational rehabilitation services, and the Iowa statewide independent living council. The SPIL must be reviewed and revised as necessary but not less than once every three years.

111—11.4(216B) Application for independent living services for older individuals who are blind. The application delineates expenditure of funds, establishes program goals, identifies the scope and extent of services, and defines a plan of operation. The application is submitted to the U.S. Department of Education, Rehabilitation Services Administration. The application assures compliance with federal regulations governing the administration of this program, identifies reporting requirements, and ensures that the following activities will be conducted:

1. Needed services that contribute to the maintenance of, or the increased independence of, older individuals who are blind;
2. Capacity-building efforts, including collaboration with other agencies and organizations; and
3. Outreach to promote community awareness, involvement, and assistance.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—11.5(216B) Eligibility. To be eligible for independent living rehabilitation services, an individual must meet the following criteria: (1) have a severe visual impairment; (2) either be aged 55 or older, or have a severe mental, cognitive, physical, or other sensory impairment; (3) experience a severe limitation in ability to function independently in the family or community, or to obtain, maintain, or advance in employment; and (4) there must be a reasonable expectation that independent living rehabilitation services will improve the individual's ability to function, continue functioning, or move toward functioning independently in family or community, or to continue in employment.

Eligibility will be determined in compliance with applicable federal and state laws prohibiting discrimination on the basis of age, race, creed, color, sex, national origin, religion or disability. Provision of independent living rehabilitation services is not contingent upon economic need. No duration of residence requirement is imposed that excludes from services any applicant who is present in the state.

11.5(1) and 11.5(2) Rescinded IAB 6/26/02, effective 7/31/02.

111—11.6(216B) Application procedures. Persons desiring independent living rehabilitation services should contact the department office and must complete the Application for Independent Living Rehabilitation Services form.

111—11.7(216B) Consideration of comparable services and benefits.

11.7(1) Full consideration is given to any comparable services and benefits available to a blind person under any program (for example, workers' compensation, supplemental security income, social security disability insurance) to meet in whole or in part the cost of independent living rehabilitation services provided to an individual except assessment for determining eligibility and independent living rehabilitation needs; counseling and guidance; information and referral; and personal and vocational adjustment training and related training supplies.

11.7(2) Full consideration of comparable services and benefits shall not be given when this consideration would delay the provision of services to an individual at extreme medical risk. A determination of extreme medical risk shall be based upon medical evidence provided by an appropriately licensed medical professional.

111—11.8(216B) Termination of services.

11.8(1) A decision to terminate independent living rehabilitation services shall be made only with the full participation of the eligible individual or, as appropriate, the eligible individual's parent, guardian or other representative, unless the eligible individual has refused to participate, the eligible individual is no longer present in the state, or the eligible individual's whereabouts are unknown.

11.8(2) An eligible individual who is dissatisfied with the determination to terminate services may appeal the determination as provided in rule 111—11.9(216B).

111—11.9(216B) Dispute resolution process. This rule defines the procedures under which the dispute resolution process shall be conducted by the department.

11.9(1) *Definitions.*

"Administrative review" means a procedure by which the department may provide an opportunity for an applicant or eligible individual to express and seek remedy for dissatisfaction with a decision regarding the furnishing or denial of services.

"Formal hearing" means a procedure whereby an applicant or eligible individual who is dissatisfied with the findings of an administrative review or mediation concerning the furnishing or denial of services may request a timely review of those determinations before an impartial hearing officer.

While the department encourages the use of the administrative review process to resolve grievances, the administrative review process is not to be used as a means to delay mediation or a formal hearing before an impartial hearing officer unless the parties jointly agree to a delay. An applicant or eligible individual may elect to proceed directly either to mediation or to the formal hearing process. The department will not suspend, reduce, or terminate independent living rehabilitation services to any applicant or eligible individual throughout the administrative review, mediation or formal hearing process before a final agreement or decision is made, unless the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's representative so requests, or the department has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the applicant or eligible individual.

"Mediation" means an alternative which an applicant or eligible individual may choose if the applicant or eligible individual is dissatisfied with the findings of an administrative review concerning the furnishing or denial of services.

11.9(2) *Administrative review.* An applicant for, or eligible individual of, independent living rehabilitation services may request review of a decision regarding provision or denial of services with which the applicant or eligible individual is dissatisfied by submitting a letter to the program administrator of field operations.

a. The program administrator shall acknowledge receipt of the letter and arrangements shall be made for the administrative review to be held at a mutually convenient date, time and place which shall be within ten days after receipt of the request for review. The applicant or eligible individual shall also be notified of the applicant's or eligible individual's right to obtain assistance through the Iowa client assistance program.

b. The administrative review shall consist of: review of the case file and any other documentation involved in the subject matter of the review; interviews with the service specialist for the blind and any others directly involved with the subject matter of the review; and an interview with the applicant or eligible individual or, as appropriate, a representative of the applicant or eligible individual.

c. The program administrator shall issue a written decision within five days of the review. The decision shall set forth the issue, principle, and relevant facts established during the review; pertinent provisions of law, administrative rule or department policy; and the reasoning upon which the decision is based. The letter transmitting the decision shall advise the applicant or eligible individual that the applicant or eligible individual shall inform the program administrator within seven days that either: (1) the applicant or eligible individual accepts the decision; or (2) the applicant or eligible individual does not accept the decision and wishes to proceed either to mediation or to a formal hearing.

d. A record of the decision and any action resulting from the decision shall be sent to the applicant or eligible individual by mail. The decision and a record of any action resulting from the decision shall be entered into the case file.

11.9(3) Mediation. An applicant or eligible individual who is dissatisfied with the findings of an administrative review or has elected to bypass the administrative review process may request mediation by submitting a letter to the program administrator. This letter must be received within seven days of the date of determination of the administrative review, if an administrative review has been conducted.

a. The program administrator shall acknowledge receipt of the request for mediation and shall make arrangements for mediation to occur within 30 days of the request to initiate the dispute resolution process. The date, time, and place shall be mutually agreeable to all parties. The applicant or eligible individual shall be notified in writing of the right to submit evidence or information to support the applicant's or eligible individual's position and to obtain representation to be present during the mediation sessions. The applicant or eligible individual shall also be notified of the applicant's or eligible individual's right to obtain assistance through the Iowa client assistance program. All mediation sessions shall be held in a timely manner and shall be concluded within 45 days of the date that the applicant or eligible individual initiated the dispute resolution process, unless an extension of this time is agreed upon by all parties. The department will pay costs for the mediator and, when appropriate, transportation, meals and lodging expenses for the applicant or eligible individual which are directly associated with the mediation process. The program administrator will determine who will represent the department during mediation sessions.

b. The department will maintain a list of individuals who are impartial, qualified mediators and knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation and independent living rehabilitation services.

c. A mediator will be selected at random or by agreement of the director and the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's representative from the list described in paragraph 11.9(3)"b."

d. Discussions which occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

e. All agreements reached by the parties to the dispute and the mediation process shall be set forth in a written mediation agreement. This agreement shall be prepared by the mediator and mailed within seven days to all parties.

f. Either party to the dispute may request a formal hearing. This request must be in writing and must be submitted to the director within seven days of the date of the written mediation agreement.

11.9(4) Formal hearing. An applicant or eligible individual who is dissatisfied with any determinations made concerning the furnishing or denial of independent living rehabilitation services or the findings of an administrative review or mediation if an administrative review or mediation took place may request a formal hearing by submitting a letter to the director.

a. The director shall acknowledge receipt of the request and make arrangements for a formal hearing to be held within 60 days of the request of the applicant or eligible individual to initiate the dispute resolution process at a date, time and place mutually agreeable to both parties. The applicant or eligible individual shall be notified of the right to have a representative present at the formal hearing and to seek assistance through the Iowa client assistance program. Reasonable time extensions shall be granted for good cause shown at the request of a party or at the request of both parties.

b. The impartial hearing officer shall be an individual who is not an employee of a public agency other than an administrative law judge, hearing examiner, or employee of an institution of higher education. (An individual is not an employee of a public agency solely because the individual is paid by that agency to serve as a hearing officer.) The impartial hearing officer (1) is not a member of the commission for the blind; (2) has not been involved in previous decisions regarding the independent living rehabilitation services of the applicant or eligible individual; (3) has knowledge of the delivery of independent living rehabilitation services, the state plan, and the federal regulations and state rules governing the provision of services; (4) has received training with respect to the performance of official duties; and (5) has no personal, professional, or financial interest that would be in conflict with the hearing officer's objectivity. The director may also request that other designated department personnel be present at the formal hearing. At the request of the applicant or eligible individual, a representative of the applicant or eligible individual and a representative of the Iowa client assistance program may also be present. Any of these persons shall have the opportunity to present relevant evidence.

c. An impartial hearing officer must be selected on a random basis or by agreement between the director and the applicant or eligible individual or, as appropriate, the applicant's or eligible individual's representative from a pool of persons qualified to be an impartial hearing officer.

d. The impartial hearing officer shall inform those present of the confidentiality of matters discussed. The proceedings shall be recorded.

e. Within 30 days of the completion of the formal hearing, the decision of the impartial hearing officer shall be mailed to the applicant or eligible individual or, if appropriate, the applicant's or eligible individual's representative and to the director. A representative of the Iowa client assistance program who has attended the formal hearing shall also receive a copy of the decision. The applicant or eligible individual may receive a copy of the transcript of the hearing upon written request to the director.

The decision of the impartial hearing officer shall be based upon the provisions of the approved state plan for independent living, the federal Rehabilitation Act, and state rules and policies.

f. The decision of the impartial hearing officer is final.

11.9(5) Documents provided. Transcripts, notices, responses and other documents which are an integral part of the dispute resolution process shall be provided to involved parties in standard print format. An applicant or eligible individual, or representative of an applicant or eligible individual, or other involved party, may request provision of documents in alternative media. Documents in alternative media shall be provided in a timely manner.

[ARC 0461C, IAB 11/28/12, effective 1/2/13]

111—11.10(216B) Applicant's and eligible individual's rights. The service specialist for the blind must inform the applicant or eligible individual of the applicant's or eligible individual's rights as follows:

11.10(1) Written information on the Iowa client assistance program and on the department's policies and practices with regard to administrative review, fair hearing, confidentiality of records and nondiscrimination shall be provided to the applicant as a part of the application process. This information shall also be made available in the applicant's media of choice. Language interpreters will be used as necessary.

11.10(2) When an applicant is determined ineligible to receive independent living rehabilitation services, the applicant shall receive written notification of the right to appeal and information concerning services available through the Iowa client assistance program.

11.10(3) The independent living rehabilitation plan will include information in the eligible individual's media of choice on the department's policies regarding administrative review, fair hearing, confidentiality of records and nondiscrimination. Language interpreters will be used as necessary.

11.10(4) Upon termination of a case due to ineligibility, the individual shall be given information in the individual's media of choice on the right to appeal the termination, including information about services available through the Iowa client assistance program. Language interpreters will be used as necessary.

11.10(5) When disagreement occurs, staff shall verbally inform the applicant or individual of the right to appeal and provide information about services available through the Iowa client assistance program.

111—11.11(216B) Forms. The following forms are used by the independent living rehabilitation services program:

1. Application for Independent Living Rehabilitation Services—used for application for independent living rehabilitation services from the department.
2. Independent Living Rehabilitation Plan (ILRP) used to develop a blind person's program for rehabilitation by providing for mutual development of goals, objectives, a summary of planned services, criteria for review and evaluation and a time frame for completion of services.
3. Waiver of Independent Living Rehabilitation Plan—a signed statement acknowledging the eligible individual's choice to waive an ILRP and instead simply list the eligible individual's independent living objectives.

These rules are intended to implement Iowa Code chapter 216B.

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CHAPTER 12

WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 13
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
[Prior to 9/21/88, see Blind, Division for the[423] Ch 13]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

111—13.1(17A,22) Definitions. As used in this chapter:

“*Agency*” in these rules means the department for the blind.

“*Authorization for release of information*” means the form prescribed by the agency for the purpose of authorizing the release of a confidential record, signed and dated by the person empowered to release the information.

“*Case record*” means the file of personally identifiable or confidential information on a client, collected pursuant to the provisions of the Rehabilitation Act of 1973.

“*Client*” means an individual who is applying for or who has applied for, or who is receiving or has received, benefits or services under any agency program.

“*Confidential record*” in these rules means a record which is not available as a matter of right for examination and copying by members of the public under applicable provisions of law. Confidential records include records or information contained in records that the agency is prohibited by law from making available for examination by members of the public, and records or information contained in records that are specified as confidential by Iowa Code section 22.7, or other provision of law, but that may be disclosed upon order of a court, the lawful custodian of the record, or by another person duly authorized to release the record. Mere inclusion in a record of information declared confidential by an applicable provision of law does not necessarily make that entire record a confidential record.

“*Custodian*” in these rules means the agency, or a person lawfully delegated authority by the agency to act for the agency in implementing Iowa Code chapter 22.

“*Open record*” in these rules means a record other than a confidential record.

“*Personally identifiable information*” in these rules means information about or pertaining to an individual in a record which identifies the individual and which is contained in a record system.

“*Record*” in these rules means the whole or part of a “public record,” as defined in Iowa Code section 22.1, that is owned by or in the physical possession of this agency.

“*Record system*” in these rules means any group of records under the control of the agency from which a record may be retrieved by a personal identifier such as the name of an individual, number, symbol, or other unique retriever assigned to an individual.

111—13.2(17A,22) Statement of policy. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.3(17A,22) Requests for access to records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.4(17A,22) Access to confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.7(17A,22) Authorization for release of information by the subject of a confidential record. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.8(17A,22) Notice to suppliers of information. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.9(17A,22) Disclosures without the consent of the subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.10(17A,22) Routine use. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.11(17A,22) Consensual disclosure of confidential records. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.12(17A,22) Release to subject. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

111—13.13(17A,22) Availability of records.

13.13(1) General. Agency records are open for public inspection and copying unless otherwise provided by rule or law.

13.13(2) Confidential records. The following records, categorized by agency program area, shall be held confidential. The statutory authority for confidentiality of each record system is given.

Records

Statutory Authority

ADMINISTRATION

Central blind registry (c)	Iowa Code section 259.1
Client financial documents	Iowa Code section 259.1
Employment applications	Iowa Code section 22.7(11)
Minutes, closed meetings, commission for the blind	Iowa Code section 21.5(4)
Performance evaluations	Iowa Code section 19A.15
Personnel records	Iowa Code section 19A.15
Personnel attendance records	Iowa Code section 19A.15
Portions of agency staff manuals or indexed general statements of policy when disclosure of the information would: (1) enable law violators to avoid detection; (2) facilitate disregard of requirements imposed by law; or (3) give a clearly improper advantage to persons who are in an adverse position to the agency	Iowa Code sections 17A.2 and 17A.3
Unemployment claims	Iowa Code section 19A.15

ADULT ORIENTATION AND ADJUSTMENT CENTER

Orientation center student information	Iowa 259.1	Code	section
Orientation center student list	Iowa 259.1	Code	section
Orientation center student/alumni data base (c)	Iowa 259.1	Code	section

BUSINESS ENTERPRISE PROGRAM

Closing vendor inventories	Iowa 259.1	Code	section
Individual operator management training records	Iowa 259.1	Code	section
Operator assignment selection records	Iowa 259.1	Code	section
Vendor equipment inventories	Iowa 259.1	Code	section
Vendor financial information	Iowa 259.1	Code	section

INDEPENDENT LIVING REHABILITATION SERVICES

Case records	Iowa 259.1	Code	section
Client case number book	Iowa 259.1	Code	section
Client closure book	Iowa 259.1	Code	section
Client contact itineraries	Iowa 259.1	Code	section
Client master list	Iowa 259.1	Code	section
Client satisfaction survey	Iowa 259.1	Code	section
Library field contact report	Iowa 259.1	Code	section
Field operations staff reports	Iowa 259.1	Code	section

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

American college testing service test materials	Iowa 22.7(19)	Code	section
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American printing house for the blind availability inquiries	Iowa Code section 22.7(13)
Applications for library service	Iowa Code section 259.1
Book order records	Iowa Code section 22.7(13)
Book transcription completion records	Iowa Code section 22.7(13)
Braille thermoform request records	Iowa Code section 22.7(13)
Circulation records	Iowa Code section 22.7(13)
CMLS microfiche and printout book of library patron records	Iowa Code section 22.7(13)
EI cassette machine pilot project user listing	Iowa Code section 22.7(13)
Hand-thermoformed braille library patron list	Iowa Code section 22.7(13)
Instructional materials center purchase orders	Iowa Code section 22.7(13)
Interlibrary library patron loan records	Iowa Code section 22.7(13)
Iowa basic skills test materials	Iowa Code section 22.7(19)
Iowa federation of women's clubs library patron request records	Iowa Code section 22.7(13)
Iowa Lions bible distribution list	Iowa Code section 22.7(13)
Library patron correspondence	Iowa Code section 22.7(13)
Library patron equipment inventory	Iowa Code section 22.7(13)
Library patron orders, monthly reports	Iowa Code section 22.7(13)
Library patron braille requests and production records	Iowa Code section 22.7(13)
Library patron braille request exchange list	Iowa Code section 22.7(13)
New library patron listing	Iowa Code section 22.7(13)
NLS subscription transaction records	Iowa Code section 22.7(13)
NLS updates on library patron service changes	Iowa Code section 22.7(13)
Out-of-state library patron duplication records	Iowa Code section 22.7(13)

Pioneer service reports	Iowa	Code	section
	22.7(13)		
Recording for the blind circulation records	Iowa	Code	section
	22.7(13)		
Tape purchase correspondence	Iowa	Code	section
	22.7(13)		
Textbook tracking materials	Iowa	Code	section
	22.7(13)		

VOCATIONAL REHABILITATION SERVICES

Annual SGA closure list	Iowa	Code	section
	259.1		
Case records	Iowa	Code	section
	259.1		
Certification letters	Iowa	Code	section
	259.1		
Claim and verification requests	Iowa	Code	section
	259.1		
Client contact itineraries	Iowa	Code	section
	259.1		
Client master list	Iowa	Code	section
	259.1		
Client orientation schedule list	Iowa	Code	section
	259.1		
Client satisfaction survey	Iowa	Code	section
	259.1		
Department of personnel braille typing tests	Iowa	Code	section
	19A.15		
Monthly field operations staff reports	Iowa	Code	section
	259.1		
SSA responses to claim & verification requests	Iowa	Code	section
	259.1		

NOTE: (c) indicates information is also stored on a computer database.

13.13(3) *Personally identifiable information.* This subrule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems defined in rule 111—13.1(17A,22). For each record system, this subrule describes the legal authority for the collection of information. These record systems, categorized by agency program area, are:

Records

Legal Authority for Collection

ADMINISTRATION

Accounts payable vouchers	Iowa	Code	section
	259.1		

Central blind registry (c)	Iowa 259.1	Code	section
Client financial documents	Iowa 259.1	Code	section
Employment applications	Iowa 19A.15	Code	section
Performance evaluations	Iowa 19A.15	Code	section
Personnel records	Iowa 19A.15	Code	section
Personnel attendance records	Iowa 19A.15	Code	section
Unemployment claims	Iowa 19A.15	Code	section

ADULT ORIENTATION AND ADJUSTMENT CENTER

Orientation center student information	Iowa 259.1	Code	section
Orientation center student list	Iowa 259.1	Code	section
Orientation center student/alumni database (c)	Iowa 259.1	Code	section

BUSINESS ENTERPRISE PROGRAM

Closing vendor inventories	Iowa 259.1	Code	section
Individual operator management training records	Iowa 259.1	Code	section
Operator assignment selection records	Iowa 259.1	Code	section
Vendor equipment inventories	Iowa 259.1	Code	section
Vendor financial information	Iowa 259.1	Code	section

INDEPENDENT LIVING REHABILITATION SERVICES

Case records	Iowa 259.1	Code	section
Client case number book	Iowa 259.1	Code	section
Client closure book	Iowa 259.1	Code	section

Client contact itineraries	Iowa 259.1	Code	section
Client equipment inventory cards	Iowa 259.1	Code	section
Library field contact report	Iowa 259.1	Code	section
Field operations monthly reports	Iowa 259.1	Code	section

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

American printing house for the blind library patron availability inquiries	Iowa 216B.3	Code	section
Applications for library service	Iowa 216B.3	Code	section
Book order records	Iowa 216B.3	Code	section
Book transcription completion records	Iowa 22.7(13)	Code	section
Braille thermoform request records	Iowa 22.7(13)	Code	section
Circulation records	Iowa 216B.3	Code	section
CMLS microfiche and printout book of library patron records	Iowa 216B.3	Code	section
EI cassette machine pilot project user listing	Iowa 216B.3	Code	section
Hand-thermoformed braille library patron list	Iowa 216B.3	Code	section
Instructional materials center purchase orders	Iowa 216B.3	Code	section
Interlibrary library patron loan records	Iowa 216B.3	Code	section
Iowa federation of women's clubs library patron request tracking	Iowa 216B.3	Code	section
Iowa Lions bible distribution list	Iowa 216B.3	Code	section
Library patron correspondence	Iowa 216B.3	Code	section
Library patron equipment inventory	Iowa 216B.3	Code	section
Library patron orders, monthly reports	Iowa 216B.3	Code	section
Library patron braille requests and production records	Iowa 216B.3	Code	section

Library patron braille request exchange list	Iowa 216B.3	Code	section
New library patron listing	Iowa 216B.3	Code	section
NLS subscription transaction records	Iowa 216B.3	Code	section
NLS updates on library patron service changes	Iowa 216B.3	Code	section
Out-of-state library patron duplication records	Iowa 216B.3	Code	section
Pioneer service reports	Iowa 216B.3	Code	section
Recording for the blind circulation records	Iowa 216B.3	Code	section
Tape purchase correspondence	Iowa 216B.3	Code	section
Textbook tracking materials	Iowa 216B.3	Code	section

VOCATIONAL REHABILITATION SERVICES

Annual SGA closure list	Iowa 259.1	Code	section
Case records	Iowa 259.1	Code	section
Certification letters	Iowa 259.1	Code	section
Claim & verification requests	Iowa 259.1	Code	section
Client contact itineraries	Iowa 259.1	Code	section
Client orientation schedule list	Iowa 259.1	Code	section
SSA responses to claim & verification requests	Iowa 259.1	Code	section

NOTE: (c) indicates information is also stored on a computer database.

13.13(4) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law. These record systems, categorized by agency program area, are routinely available to the public. They do not generally contain personally identifiable information or confidential information.

Records

ADMINISTRATION

Acknowledgments of gifts and bequests contributions

Administrative rules, public docket and rule-making records

Advisory boards, commissions, associations, committees and task forces: correspondence, minutes

and general information
Aids and appliances, accounts receivable
Annual reports
Building blueprints
Building equipment reference manuals and data
Cooperative agreements
CSAVR, correspondence and general information
Dept. of education, correspondence, fiscal records and general information
Dept. of personnel procedures manual
Employee assistance fund information
Employee handbook
Equipment maintenance agreements
Executive calendar, current and past
Federal financial reports
Federal funds request authorizations
Federal government agencies, correspondence and reports
Film and videotape information
Fire evacuation procedures
Fiscal information on special projects
Forms, indexed
General complaints and criticisms from the public
General letters of appreciation from the public
General requests and inquiries from the public
General statements of agency policy, indexed
Gift law, general information
Iowa head injury committee
Iowa management training system, general information
Job opening announcements
Legislators, listing
Legislative correspondence and general information
Mailing lists
Maintenance work orders (c)
Membership, payment approvals
Minutes, Iowa commission for the blind
Monthly financial reports, dept. of revenue
National council of state agencies for the blind, correspondence and general information
New staff seminar schedules and evaluations
Out-of-state travel authorization requests and approvals
Personnel classifications, job descriptions and pay schedules
Personnel instructional pamphlets
Photographs and resumes, administrator and commission members
Pool/gym agreements
Position description questionnaires
Press releases and news clippings
Private organizations, correspondence and general information
Product safety chemical data sheets
Professional and technical associations, correspondence and general information
Public records docket
Publications
Rehabilitation administrative management program, general information and correspondence
Rehabnet, general information and memos
Rental and lease agreements

Sixtieth anniversary, general information
Staff service certificates
State government agencies, correspondence and reports
State vehicle dispatcher monthly reports
Statements of grant awards
Studies, surveys and proposals
28E agreements
Utility consumption and cost data (c)

BUSINESS ENTERPRISE PROGRAM

Blueprints and equipment layouts
Randolph-Sheppard Act
State plan, Randolph-Sheppard Act
Vendor forms

INDEPENDENT LIVING REHABILITATION SERVICES

CSAVR independent living committee
Deaf-blind register
Grant applications and instructional memos
Independent living advisory committee, general information and minutes
Independent living forms
Independent living procedure memos and schedules
In-service training grant, application and agendas
Part C announcements and reference materials
RCEP training advisory committee, general information and correspondence
Reference materials on alternative techniques
RSA 704 report
RSA 70B report
Special project grant, 1983
State plan for independent living services
Statewide independent living council, general information and minutes
Title VII, part b grant, reports and correspondence

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

Acquisition of bibles, general information
American printing house for the blind federal quota orders
American federation for the blind directory of agencies
APH central automated resource list
Application transfer technique study
Bibliographies, by subject
Bindery tracking records
Book inspection survey
Books proofread for sale, listing
Braille alphabet cards
Braille instruction manuals and sign booklets
Brochures from other libraries for the blind
Card catalog microfilming information
Card catalog uniform entries authority
Card file of print books about blindness
Card file of cassettes processed
Cassette books, number assignment record
Catalog production and master records

Censorship, general information
Circulation, general information
Comprehensive mailing list system (CMLS), general information
Computer installation information
Computer software and software manuals
Copyright clearance records
Deaf-blindness, general information
Diebold repairs, general information
Disabilities, general information
Duplicators, general information
EI cassette instructional video
Eligibility, general information
Equal employment opportunity, general information
Equipment manuals
Forms, inventory and masters (c)
Free matter for the blind and physically handicapped, general information
General library statistics
Guidelines for tapists
Health care facilities in Iowa, listing
Historical collection of uncataloged examples of tactile systems
Instructional materials center, general information
Intention and completion forms for the American printing house for the blind
Iowa computer-assisted network advisory board minutes, 1985
Iowa federated women's clubs, listing
Iowa library directory
Iowa libraries: a time to grow 1985-90 (program planning guide)
Iowa Lions foundation
Large-type format, general information
Lead worker, general information
Library automation report, 1983
Library consumer advisory committee minutes and general information
Library grants
Library materials invoices
Library staff procedures manuals
Logs, various department systems
Machines, general information
Magazine inventory
Magazine transaction merge procedures
Magazines, reference materials on selection, transcription and subscription
Mailing lists
Marantz, general repair information
Modems, general information
Monthly reports on nonusers of library service
National braille association bulletins
NLS availability listings
NLS automation reports
NLS, general correspondence and information
NLS removal authorization documentation
Nonborrower purchase orders
OCR scanners, general information
Postal service, general information
Publication catalogs

Publishers, listing
Radio reading for the blind, production information
Reader enrollment and delivery systems (READS), general information
Records management listing of library records
Request for proposal for local area network
Salvaging rigid talking book discs, instruction manual
Shelving, general information
Snowbirds, general information
Space utilization report
Speech/braille computer output, general information
Titles received, book listing
Training grant, general information
Transcriber's workshop, documentation and information
Vendor listing
World book encyclopedia, informational material
XESS, listing of books removed from the collection

NOTE: In addition to the above records, a complete inventory of all materials available for circulation is maintained in the library's card catalog.

VOCATIONAL REHABILITATION

Available readers and drivers listing
Dept. of personnel, certified disabilities program
Commissioner policies on service provision
Computer technology reference materials
Counselor instructional manual
Field operations statistical reports
504 subcommittee meeting records
General resource materials on employment and vocational rehabilitation
Health resources and information
Information on U.S. civil service and personnel management
In-service training agendas
In-service training grant
Job openings posting book
Medical reference pamphlets and brochures
Paratransit advisory committee reference materials
Photographs
RCEP training advisory committee reference listing
Reference materials on Targeted jobs tax credit, Job training partnership Act and PWI programs
Rehabilitation Act of 1973
Rehabilitation services administration annual report on postemployment services and annual reviews
Rehabilitation services administration federal regulations
Rehabilitation services administration monthly cumulative caseload report
Rehabilitation services administration quarterly cumulative caseload report
Rehabilitation services administration program and cost report
Social security disability and SSI reference materials
Speeches by Kenneth Jernigan and Jacob tenBroek
SSA administrative procedure letters
SSA program instructions and resource materials
Staff procedure memos
Staff territory assignments
State facilities plan
State plan for vocational rehabilitation services
Supported employment reference materials

Telephone directories for DVRS and AEA personnel
 Transition committee minutes and reference materials
 Veterans administration resource materials
 Vocational rehabilitation guidelines and procedures

NOTE: (c) indicates information is also stored on a computer database.

The following record systems, categorized by agency program area, are open to access by the public, but may contain personally identifiable or confidential information:

<u>Records</u>	<u>Statutory Authority</u>		
ADMINISTRATION			
Accounts payable vouchers	Iowa 259.1	Code	section
Accounting interagency correspondence and information	Iowa 259.1 and 19A.15	Code	sections
Applications for education leave and educational assistance	Iowa 19A.15	Code	section
Correspondence, general	Iowa 259.1	Code	section
Gifts and bequests trust account records	Iowa 216B.3	Code	section
Minutes, supervisors meetings	Iowa 259.1	Code	section
BUSINESS ENTERPRISE PROGRAM			
Closed vending facilities	Iowa 259.1	Code	section
Correspondence, general	Iowa 259.1	Code	section
Correspondence, vendor	Iowa 259.1	Code	section
Licenses	Iowa 259.1	Code	section
Minutes, state vendor committee	Iowa 259.1	Code	section
Vending facilities (all locations)	Iowa 259.1	Code	section
INDEPENDENT LIVING REHABILITATION SERVICES			
Agency contact documentation	Iowa 259.1	Code	section
Bistate independent living center	Iowa 259.1	Code	section

Client equipment inventory cards	Iowa 259.1	Code	section
General correspondence, 1981-84	Iowa 259.1	Code	section
Helen Keller national center, grant, reports, and correspondence	Iowa 259.1	Code	section

LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

Braillewriter equipment inventory	Iowa 216B.3	Code	section
Marantz equipment inventory and repair records	Iowa 216B.3	Code	section
Proofreader circulation assignments	Iowa 216B.3	Code	section
Tape exchange correspondence	Iowa 216B.3	Code	section
Volunteer braille and tape production records	Iowa 216B.3	Code	section

VOCATIONAL REHABILITATION

General correspondence	Iowa 259.1	Code	section
Intra-office and interoffice memos	Iowa 259.1	Code	section
Lions typewriter acquisition list	Iowa 259.1	Code	section

NOTE: (c) indicates information is also stored on a computer database.

111—13.14(17A,22) Automated data processing capabilities. All records are stored on paper and not in automated data processing systems unless otherwise noted. Data processing systems used by the agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system, unless specifically noted.

111—13.15(17A,22) Applicability. Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapters 17A and 22.

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