

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.
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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.

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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.

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