

TITLE IV
DIVISION OF COMMUNITY ADVOCACY AND SERVICES
CHAPTER 40
FUNCTIONS OF DIVISION

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

421—40.1(216A) Definitions. As used in these rules, unless context otherwise requires:

“*Administrator*” means the administrator of the division of community advocacy and services, which is composed of the following offices:

1. Office of Latino affairs.
2. Office on the status of women.
3. Office of deaf services.
4. Office on the status of African Americans.
5. Office of Asian and Pacific Islander affairs.
6. Office of Native American affairs.
7. Office of persons with disabilities.

“*Commission*” means the following commissions established in Iowa Code chapter 216A:

1. Commission of Latino affairs.
2. Commission on the status of women.
3. Commission of deaf services.
4. Commission on the status of African Americans.
5. Commission of Asian and Pacific Islander affairs.
6. Commission of Native American affairs.
7. Commission of persons with disabilities.

“*Commissioner*” means a member of one of the commissions, appointed by the governor, and subject to confirmation by the senate pursuant to Iowa Code section 2.32.

“*Department*” means the department of health and human services.

“*Division*” means the division of community advocacy and services within the department of health and human services.

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421—40.2(216A) Functions of the division. The division of community advocacy and services is under the direction of an administrator, who is appointed by and reports to the director of the department. The functions and responsibilities of the division and respective commissions are described in Iowa Code chapter 216A.

40.2(1) The department will assign members of the division to meet the responsibilities of each office and to assist corresponding commissions with their efforts. Commission assistance shall be provided by coordinating meetings as required in Iowa Code sections 216A.12, 216A.53, 216A.74, 216A.113, 216A.142, 216A.152, and 216A.162; providing public notice as required in the open meetings law, Iowa Code chapter 21; maintaining commission meeting records; providing data and information on programs, rules and laws which impact or serve Iowans who identify with groups represented by the offices in the division; updating the commission website in accordance with department guidelines; and reporting on division and office results, policies and processes at meetings.

40.2(2) The division will focus on achieving long-term economic, social and cultural equity for Iowans who identify with groups represented by the offices in the division. To ascertain key needs and areas of focus, the division will assess relevant data, create opportunities for Iowans who identify with groups represented by the offices in the division to connect with one another, and with state government, to raise concerns and suggest workable solutions. This will be accomplished by holding regular listening sessions, providing leadership development opportunities, and facilitating community engagement. The division will actively engage commissioners in these initiatives.

40.2(3) The division will provide assistance, training and consultation to state departments and agencies to enhance services that allow underrepresented populations to participate fully in the economic, social, and cultural life of the state.

40.2(4) The division will use its knowledge of programming and information clearinghouse to provide assistance for Iowans who identify with groups represented by the offices in the division. Direct assistance consists of the following:

- a.* Connecting Iowans with state departments, agencies and other organizations that provide the specific services, expertise or knowledge necessary to meet their needs.
- b.* Training or assisting Iowans to self-advocate with state and local government when possible.
- c.* Enhancing statewide and local knowledge of existing services and programs available for Iowans who identify with groups represented by the offices in the division.
- d.* Communicating about and advocating for the needs and the value to Iowa's economy, culture and society of Iowans who identify with groups represented by the offices in the division.

40.2(5) The division will work in collaboration with statewide and local organizations to assess the availability and accessibility of state and local services for Iowans who identify with groups represented by the offices in the division and shall identify gaps in available services, collect data relevant to the work of the division, make recommendations for improvements, and develop and facilitate the implementation of improvements when necessary. Time may be allocated by the division to develop, coordinate and assist statewide and local organizations when the provision of that coordination or assistance is determined to be in alignment with the department's or division's strategic plan, and staff resources are available.

40.2(6) The division will provide assistance to develop, coordinate and assist other organizations. This may include providing division members to serve on committees, boards or working groups; to assist in creating strategic plans or action plans; to speak at events or deliver training; and to provide information about the perspective and needs of members of underrepresented groups. Time may be allocated by the division to develop, coordinate and assist other public organizations when the provision of that coordination or assistance is determined to be in alignment with the department's or division's strategic plan, and staff resources are available.

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421—40.3(216A) Organization of the commissions.

40.3(1) Each commissioner is an equal voting member of the commission on which the commissioner serves. A majority of the members shall constitute a quorum, and the affirmative vote of the majority is necessary for any substantive action taken by the commission.

40.3(2) Commissions shall appoint officers to serve two-year terms by voting at a commission meeting held in the first quarter of each even-numbered fiscal year. To qualify to serve as an officer, a commissioner must have at least two years remaining in the commissioner's term of appointment to one of the commissions. Commissions may appoint officers to positions as provided in Iowa Code sections 216A.12, 216A.53, 216A.74, 216A.113, 216A.142, 216A.152, and 216A.162. The roles of officer positions that are filled by commissions include, but are not limited to, the following:

- a.* Chairperson. This member shall establish the draft agenda, chair each commission meeting, and work with the division to establish a meeting schedule and communicate with members of the commission on which the chairperson serves to ensure a quorum at commission meetings.
- b.* Vice chairperson. This member shall work with the chairperson to establish the draft agenda and chair commission meetings in the absence of the chairperson.

40.3(3) Commissions shall appoint a member to serve as a voting member of the human rights board to serve a four-year term. Commissioners who are members of the human rights board shall serve their appointed term on the board unless a majority of a commission votes to appoint a new member to represent the commission on the human rights board, or the appointed commissioner is no longer able to serve or is no longer a member of a commission.

40.3(4) To carry out its duties, a commission may establish an advisory committee, work group, or other coalition composed of any combination of the following: members of the division, members of the public, and commissioners from its own commission or from other commissions within the division. The establishment of an advisory committee, work group or coalition requires a majority affirmative vote of the

membership of the commission, including the identification of a commissioner who will facilitate the work of the committee, group or coalition. Advisory committees, work groups and coalitions may make recommendations to the commission. Enactment of those recommendations requires a majority affirmative vote of the membership of the commission. Advisory committees shall include a facilitating member who is also a member of a commission. The facilitating member shall report on committee, work group or coalition meetings at regularly scheduled commission meetings and via electronic updates that shall be public record as required in the open records law, Iowa Code chapter 22.

40.3(5) Any member of a commission shall be deemed to have submitted a resignation if the member does not attend three or more consecutive commission meetings or if the member attends less than one half of the scheduled meetings held within any 12-month calendar period.

40.3(6) A member of the division or the administrator shall attend each meeting of the commissions to provide information and assistance in accordance with subrule 40.2(1).

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421—40.4(216A) Meetings of the commissions.

40.4(1) Commissions shall meet as required by Iowa Code sections 216A.12, 216A.53, 216A.74, 216A.113, 216A.142, 216A.152, and 216A.162. No later than October 1, commissions shall establish and make public an annual schedule of required meetings for the following calendar year. A commission may alter its schedule with an affirmative vote of the majority of the members of the commission. The public shall be notified of alterations to the schedule within two business days of the official vote for alteration. A commission may hold additional special meetings with an affirmative vote of a majority of the membership of the commission. All meetings, including special meetings, shall be public meetings unless a closed session is approved pursuant to Iowa Code section 21.5. All official commission communication shall include each member of the commission, including the ex officio member, and the administrator.

40.4(2) Meeting agendas shall be posted as required by Iowa Code section 21.4. Meeting agendas will be available on the department website at least 24 hours in advance of the meeting unless the meeting meets criteria established in Iowa Code section 21.4 for an emergency meeting. Minutes of the meeting will be posted on the department website upon approval by the commission.

40.4(3) Members of the public attending a commission meeting shall request any necessary reasonable accommodations for their attendance at least five business days in advance of the scheduled meeting. Accommodations requested after this time frame will be made if reasonably possible. Accommodations may be made using appropriate services at the discretion of the department, with consideration of the needs of the public in attendance.

40.4(4) All commission meetings shall provide an opportunity for public comment. Commissions shall not limit public comment to persons who have preregistered with the commission. All members of the public addressing the commission shall be present at the meeting in person or via conference call or provide written comments. All members of the public addressing the commission in person, via conference call or in writing shall provide their full name, mailing address or other appropriate information to allow future correspondence, and city and state of residence. Commissions may limit the duration of public comment in total or per individual. The time and duration of public comment will be published on the meeting agenda at least 24 hours in advance of the meeting. The chairperson, vice chairperson, director, administrator, or member of the division may exclude any person from the meeting for comments or behavior that disrupts or obstructs the meeting.

40.4(5) Members of the public requesting to be placed on the commission agenda for a specific topic and duration shall make that request in person, by phone, by email or via the U.S. postal service to the commission chairperson or the division no later than three business days in advance of the commission meeting. The chairperson shall accept or deny a request and shall inform the individual making the request and the division of the decision no later than two business days in advance of the meeting using the same method of communication through which the request was received, followed by a written confirmation via U.S. postal service. The chairperson has sole discretion to accept or deny a request to appear on the agenda; however, denial of a scheduled time on the agenda does not preclude a member of the public from participating in the public comment portion of a meeting.

40.4(6) Substantial alterations to a published draft commission agenda shall be subject to an affirmative vote of the majority of a commission.

40.4(7) Positions of the commission, and publicly communicated messages regarding those positions from the commission, require an affirmative vote of the majority of a commission in a public meeting.

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421—40.5(216A) Functions of commissions.

40.5(1) Commissions shall focus on achieving long-term economic, social and cultural equity for Iowans who identify with groups represented by the commission.

40.5(2) Biennial recommendations. To ascertain key needs and areas of focus, commissions shall provide insight and input regarding the changing needs of Iowans who identify with groups represented by the commission. This will be accomplished by assessing available data, participating in division-sponsored listening sessions or sponsoring additional listening sessions; and using this and other information to compile and present biennial policy and program recommendations to the department, board, legislature and governor by October 15 of each even-numbered year. The division shall compile all recommendations on behalf of the commissions into one document for presentation to the department, board, legislature and governor by November 15 of each even-numbered year. Commissions may offer more frequent recommendations with an affirmative vote of the majority of a commission.

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These rules are intended to implement Iowa Code chapters 17A and 216A.

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