**Section 510.30 What May Not Be Appealed**

The following may not be appealed under this Part:

a) changes in services or procedures over which DHS-ORS exercises no discretion or control;

b) changes in services or procedures which are mandated by federal or State law or regulation;

c) failure to provide services which DHS-ORS, in accordance with federal or State law, regulations, and the State VR Plan or other plans submitted to the federal government by DHS-ORS as a condition of receiving federal funding cannot provide;

d) the establishment of, and provisions contained in, an Individualized Educational Program (IEP) and other matters as governed by 89 Ill. Adm. Code 828 (Educational Facilities), except as set forth in Section 510.20(d) and (e);

e) all recommendations for decisions and procedures for the adjudication of benefits under the federal Social Security Act which are made by DHS-ORS under its authority from the United States Department of Health and Human Services, Social Security Administration (42 USC 405);

f) issues challenging the legality of DHS-ORS rules;

g) discipline of a vendor under the Vending Facilities Program for the Blind, as set forth in 89 Ill. Adm. Code 650;

h) student discipline, as set forth in 89 Ill. Adm. Code 827;

i) DHS-ORS findings relating to the evaluation of rehabilitation facilities, as set forth in 89 Ill. Adm. Code 530;

j) a grievance which has already been decided through the appeal process as set forth in this Part;

k) an action taken by DHS-ORS which does not affect the grievant (e.g., a customer wishing to appeal DHS-ORS terminating sponsorship of another customer in training for failing to maintain the grade point average required in 89 Ill. Adm. Code 590.270);

1) a grievance filed under the Americans with Disabilities Act (42 USC 12101); and

m) an appeal of a requirement to have a Teletypewriter/Telephone Device for the Deaf (TTY/TDD) as a condition of a contract.

(Source: Amended at 23 Ill. Reg. 13195, effective November 15, 1999)