**Section 828.40 What May Not be Appealed**

a) The following matters are not appealable under this Part, but are appealable under the Department of Human Services-Division of Rehabilitation Services

(DHS-DRS) rules found at 89 Ill. Adm. Code 510 (Appeals and Hearings).

1) Matters concerning sex equity or discrimination on the basis of sex as prohibited by the Illinois School Code [105 ILCS 5/10-22.5 and 27-1] and the Education Amendments of 1972 (20 USC 1681). Matters of sex equity may ultimately be appealed to the State Superintendent of Education.

2) Matters concerning student records as set forth in the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 USC 1232g).

3) Matters concerning Vocational Rehabilitation Services under the federal Rehabilitation Act of 1973, as amended (29 USC 701 et seq.).

b) The following matters are not appealable under this Part:

1) Changes in services or procedures over which DHS-DRS exercises no discretion or control.

2) Issues related to the legality of DHS-DRS rules.

3) Changes in services or procedures that are mandated by federal or State law or regulation.

(Source: Amended at 37 Ill. Reg. 6358, effective April 25, 2013)