APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control No.: 795

Department or Agency: Alabama Department of Rehabilitation Services

Rule No.: 795-2-3-.01

Rule Title: Mediation

Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	No
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	Yes
Is there another, less restrictive method of regulation available that could adequately protect the public?	No
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved?	No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule?	NA
Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	Yes
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?	No

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Does the proposed rule have an economic impact?	No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Ashley H. Hamlett

Ashley Hamlett

REC'D & FILED

Date: Monday, September 21, 2026

SEP 21, 2026

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Division of Rehabilitation Services

RULE NO. & TITLE: 795-2-3-.01 Mediation

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
The Alabama Department of Rehabilitation proposes to amend Rule 795-2-3-.01, Mediation, to establish that, in addition to the consumer, the department has the option of deciding not to participate in mediation pursuant to 34 CFR 361.57(d)(2).

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
All interested persons may submit written comments, and if requested in advance, may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear to Ashley H. Hamlett, 602 South Lawrence Street, Montgomery, Alabama 36104.

To be considered by the Board, written comments must be received in the office of the Board no later than two days before the next regularly scheduled Board meeting on December 3, 2026, to wit: not later than December 1, 2026. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Tuesday, December 1, 2026

CONTACT PERSON AT AGENCY:
Ashley H. Hamlett
602 South Lawrence Street
Montgomery, Alabama 36104
(334) 293-7187

Ashley H. Hamlett
Ashley Hamlett

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

795-2-3-.01 Mediation.

(1) In addition to an administrative review, an applicant or client applying for or receiving services from Adult Vocational Rehabilitation Services (AVRS) who files a complaint regarding an AVRS determination may request mediation. Mediation is a voluntary process in which an applicant or client and an AVRS representative work with an impartial mediator to attempt to resolve a dispute.

(2) To request mediation, an applicant or client shall file a written request specifying the reasons why mediation is requested with the Commissioner within fourteen (14) calendar days of the date of receipt of the issuance of the notice of action as specified in Administrative Code Rule 795-2-1-.01, above.

(3) ~~Within~~Upon receipt of a request for mediation, the Department will review the nature and circumstances of the dispute and may decline to participate in mediation if the Department determines, in its discretion, that the matter is not appropriate for or cannot reasonably be resolved through mediation. If the Department decides not to participate in mediation, the Department will notify the applicant or client in writing. The applicant or client will have fourteen (14) days from receipt of the notice to request a formal hearing if one has not already been requested.

If the Department agrees to participate in mediation, within ten (10) calendar days of receipt of the request, the Department shall randomly select an individual from a list of qualified mediators who are knowledgeable about the laws and regulations concerning vocational rehabilitation services. The mediation process cannot deny or delay the applicant or client's right to pursue resolution of the dispute through a formal hearing or any other rights described in this chapter. At any point during mediation, either party or the mediator may decide to end the mediation. When mediation is ended, the applicant or client may pursue resolution through a formal hearing.

(4) The mediation shall be timely scheduled, but in no event more than thirty days after receipt of the request by the Department, unless extended by agreement or for good cause shown. The mediation shall be held in a location that is convenient to all parties. Any needed accommodations must be requested prior to the mediation session.

(5) The Department shall pay the cost of mediation. However, the Department shall not pay for costs related to the applicant or client's representation by counsel or any other advocate.

(6) Discussions that occur during the mediation process shall be kept confidential and not used as evidence in any subsequent formal hearing or civil proceeding. The parties may be required to sign a confidentiality agreement before mediation begins.

(7) Any agreement reached during mediation must be in writing and signed by all parties. Copies of the agreement shall be sent to both parties.

Author: Alabama Board of Rehabilitation Services
Statutory Authority: Code of Ala. 1975, §21-9-9(1).
History: **New Rule:** Filed April 13, 1995; effective May 18, 1995. **Repealed and New Rule:** Published March 31, 2022; effective May 15, 2022. **Amended:** Published _____; effective _____.