

(p. 460) (House) Passed on file  
(P. 676) House - Education  
(P. 802) House - 3/22/94 Amended/As Pass  
W/H-5560

FILED FEB 21 1994

SENATE FILE 2172

BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2133)

Passed Senate, <sup>(p. 532)</sup> Date 3-7-94 Passed House, <sup>(P. 1278)</sup> Date 4/8/94  
Vote: Ayes 47 Nays 0 Vote: Ayes 94 Nays 0  
Approved April 25, 1994

*Passed 4/12/94  
vote 49-0  
(p. 1149)*

**A BILL FOR**

- 1 An Act relating to vocational rehabilitation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**SENATE FILE 2172**

**H-5560**

- 1 Amend Senate File 2172, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 23, by striking the word "all"
- 4 and inserting the following: "all those".
- 5 2. Page 4, line 25, by inserting after the word
- 6 "chapter" the following: ", including but not limited
- 7 to, the use of public agencies and community
- 8 rehabilitation programs as practicable in securing
- 9 employment for individuals with disabilities".

By COMMITTEE ON EDUCATION  
GRUBBS of Scott, Chairperson

H-5560 FILED MARCH 22, 1994  
*Adopted 4-8-94 (p. 1278)*

**HOUSE AMENDMENT TO  
SENATE FILE 2172**

**S-5558**

- 1 Amend Senate File 2172, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, line 23, by striking the word "all"
- 4 and inserting the following: "all those".
- 5 2. Page 4, line 25, by inserting after the word
- 6 "chapter" the following: ", including but not limited
- 7 to, the use of public agencies and community
- 8 rehabilitation programs as practicable in securing
- 9 employment for individuals with disabilities".

RECEIVED FROM THE HOUSE

*Senate Concurred 4/12/94 (p. 1149)*  
S-5558 FILED APRIL 11, 1994

S.F. 2172

1 Section 1. Section 19B.2, unnumbered paragraph 2, Code  
2 1993, is amended to read as follows:

3 It is the policy of this state to permit special  
4 appointments by bypassing the usual testing procedures for any  
5 applicant for whom the division of vocational rehabilitation  
6 services of the department of education or the department for  
7 the blind has certified the applicant's disability and  
8 competence to perform the job. The department of personnel,  
9 in cooperation with the department for the blind and the  
10 division of vocational rehabilitation services, shall develop  
11 appropriate certification procedures. This paragraph should  
12 not be interpreted to bar promotional opportunities for blind  
13 and physically or mentally disabled persons. If this  
14 paragraph conflicts with any other provisions of this chapter,  
15 the provisions of this paragraph govern.

16 Sec. 2. Section 135.22A, subsection 2, paragraph e, Code  
17 1993, is amended to read as follows:

18 e. The administrator of the division of vocational  
19 rehabilitation services of the department of education.

20 Sec. 3. Section 225C.23, Code 1993, is amended to read as  
21 follows:

22 225C.23 BRAIN INJURY RECOGNIZED AS DISABILITY.

23 The department of human services, the Iowa department of  
24 public health, the department of education and its divisions  
25 of special education and vocational rehabilitation services,  
26 the department of human rights and its division for persons  
27 with disabilities, the department for the blind, and all other  
28 state agencies which serve persons with brain injuries, shall  
29 recognize brain injury as a distinct disability and shall  
30 identify those persons with brain injuries among the persons  
31 served by the state agency.

32 Sec. 4. Section 259.1, Code 1993, is amended to read as  
33 follows:

34 259.1 ACCEPTANCE OF FEDERAL ACTS ACT.

35 The state of Iowa, through its legislative authority,

1 accepts the provisions and benefits of the Acts of Congress  
2 entitled federal "The Rehabilitation Act of 1973", Pub. L. No.  
3 93-112, "The Rehabilitation, Comprehensive Services and  
4 Developmental Disabilities Amendments of 1978", Pub. L. No.  
5 95-602, the "Rehabilitation Amendments of 1984", Pub. L. No.  
6 98-221, and the "Rehabilitation Amendments of 1986", Pub. L.  
7 No. 99-506, as amended and codified in 29 U.S.C. § 701 et seq.

8 Sec. 5. Section 259.2, unnumbered paragraph 1, Code 1993,  
9 is amended to read as follows:

10 The treasurer of state is custodian of moneys received by  
11 the state from appropriations made by the Congress of the  
12 United States for the vocational rehabilitation of persons  
13 disabled-in-industry-or-otherwise individuals with  
14 disabilities, and may receive and provide for the proper  
15 custody of the moneys and make disbursement of them upon the  
16 requisition of the director of the department of education.

17 Sec. 6. Section 259.3, Code 1993, is amended to read as  
18 follows:

19 259.3 BOARD AND DIVISION.

20 The state board of education is the board for vocational  
21 education under this chapter. The division of vocational  
22 rehabilitation services is established in the department of  
23 education. The director of the department of education shall  
24 cooperate with the United States secretary of education in  
25 carrying out the federal acts law cited in sections 259.1 and  
26 259.2 providing for the vocational rehabilitation of persons  
27 disabled-in-industry-or-otherwise individuals with  
28 disabilities. The board for vocational education shall adopt  
29 rules under chapter 17A for the administration of this  
30 chapter.

31 Sec. 7. Section 259.4, Code 1993, is amended to read as  
32 follows:

33 259.4 DUTIES OF DIVISION.

34 The division of vocational rehabilitation services shall:

35 1. Cooperate with the secretary of education in the

1 administration of the federal acts law cited in section 259.1.

2 2. Administer legislation pursuant to the federal acts law  
3 cited in section 259.1, and direct the disbursement and  
4 administer the use of funds provided by the federal government  
5 and this state for the vocational rehabilitation of persons  
6 disabled-in-industry-or-otherwise-and-their-return-to-civil  
7 employment individuals with disabilities.

8 3. Study and make investigations relating to the  
9 vocational rehabilitation needs of persons-disabled-in  
10 industry-or-otherwise individuals with disabilities and their  
11 return-to-civil-employment-and cooperate with the individuals,  
12 or the individuals' parents or guardians and others as  
13 appropriate, to formulate plans-for-the-vocational and  
14 implement individualized written rehabilitation of-such  
15 persons programs for the employment of the individual.

16 4. Make-surveys-with-the Conduct continuing statewide  
17 studies of the needs of individuals with disabilities within  
18 the state and how these needs may be most effectively met in  
19 cooperation of with the state commissioner of labor, and the  
20 state industrial commissioner to-assist and other entities  
21 interested in the vocational rehabilitation of persons  
22 disabled-in-industry-or-otherwise-and-their-return-to-civil  
23 employment individuals with disabilities.

24 5. Maintain a record of persons-disabled-in-industry-or  
25 otherwise individuals with disabilities together with measures  
26 taken for their rehabilitation.

27 6. Utilize in the rehabilitation of persons-disabled-in  
28 industry-or-otherwise individuals with disabilities existing  
29 educational and other facilities as are advisable and  
30 practicable, including public and private educational  
31 institutions, public or private establishments, plants,  
32 factories, and the services of individuals specially qualified  
33 for the instruction and vocational rehabilitation of  
34 handicapped-persons individuals with disabilities.

35 7. Promote the establishment and assist in the development

1 of training agencies for the vocational rehabilitation of  
2 ~~persons-disabled-in-industry-or-otherwise~~ individuals with  
3 disabilities.

4 8. Supervise the ~~training-of-persons-disabled-in-industry~~  
5 ~~or-otherwise~~ rehabilitation progress of individuals with  
6 disabilities and confer with the individuals or their  
7 relatives parents or guardians and others, as appropriate,  
8 concerning their vocational rehabilitation.

9 9. ~~Attempt-to-place-vocationally-rehabilitated-persons-in~~  
10 ~~suitable-remunerative-occupations,-including-supervision~~  
11 Provide placement services to individuals with disabilities  
12 directed toward competitive, integrated employment, including  
13 follow-up services for a reasonable time after ~~return-to-civil~~  
14 employment begins.

15 10. ~~Utilize-the-facilities-of-public-and-private-agencies~~  
16 ~~as-practicable-in-securing-employment-for-persons-disabled-in~~  
17 ~~industry-or-otherwise,-and-a-public-agency-shall-cooperate~~  
18 ~~with-the-division-for-the-purpose-stated-~~

19 11. Cooperate with an agency of the federal government or  
20 of the state, or of a county or other municipal authority  
21 within the state, or any other agency, public or private, in  
22 carrying out the purposes of this chapter.

23 12 11. Do all things necessary to secure the  
24 rehabilitation of those entitled to the benefits of this  
25 chapter.

26 13 12. Report biennially to the governor the conditions of  
27 vocational rehabilitation within the state, designating the  
28 educational institutions, establishments, plants, factories,  
29 and other agencies in which training is being given, and  
30 include a detailed statement of the expenditures of the state  
31 and federal funds in the rehabilitation of ~~persons-disabled-in~~  
32 ~~industry-or-otherwise~~ individuals with disabilities.

33 14 13. Provide services for the vocational rehabilitation  
34 of ~~severely-handicapped-persons~~ individuals with severe  
35 disabilities and others entitled to the benefits of this

1 chapter, including the establishment and operation of  
2 community rehabilitation facilities-and-workshops programs.

3 ~~15~~ 14. Provide rehabilitation services to ~~homebound-and~~  
4 ~~other-handicapped individuals with severe disabilities who are~~  
5 homebound, and other individuals with severe disabilities, who  
6 can wholly or substantially achieve an ability of-self-help-as  
7 ~~to-dispense-or-largely-dispense-with-the-need-of-an-attendant~~  
8 to live independently.

9 ~~16~~ 15. Provide financial and other necessary assistance to  
10 public or private agencies in the development, expansion,  
11 operation, or maintenance of ~~sheltered-workshops-or-other~~  
12 community rehabilitation facilities programs needed for the  
13 rehabilitation of ~~the-disabled~~ individuals with disabilities.

14 ~~17--Provide-vocational-rehabilitation-services-to-socially~~  
15 ~~disadvantaged-persons-who-are-substantially-impaired-in-their~~  
16 ~~ability-to-earn-a-living.--This-may-include-but-is-not-limited~~  
17 ~~to-recipients-of-public-assistance,-inmates-of-correctional~~  
18 ~~institutions-or-rejectees-of-the-selective-service-system,-who~~  
19 ~~because-of-lack-of-training,-experience,-skills,-or-other~~  
20 ~~factors-which-if-corrected-would-lead-to-self-support-instead~~  
21 ~~of-dependency-~~

22 Sec. 8. Section 259.5, Code 1993, is amended to read as  
23 follows:

24 259.5 PLAN OF CO-OPERATION.

25 The division shall work with the state labor commissioner  
26 and the state industrial commissioner as administrator of the  
27 workers' compensation law to formulate a plan of co-operation  
28 in accordance with this chapter and the federal acts law cited  
29 in section 259.1. The plan shall be effective when approved  
30 by the governor of the state. A plan approved by the governor  
31 under this section prior to July 1, 1986, remains in effect  
32 until changed under this section.

33 Sec. 9. Section 259.6, Code 1993, is amended to read as  
34 follows:

35 259.6 GIFTS AND DONATIONS.

1 The division may receive gifts and donations from either  
2 public or private sources offered unconditionally or under  
3 conditions related to the vocational rehabilitation of persons  
4 ~~disabled-in-industry-or-otherwise~~ individuals with  
5 disabilities that are consistent with this chapter.

6 Sec. 10. Section 259.7, Code 1993, is amended to read as  
7 follows:

8 259.7 FUND.

9 All the moneys received as gifts or donations shall be  
10 deposited in the state treasury and shall constitute a  
11 permanent fund to be called the special fund for the  
12 vocational rehabilitation of ~~disabled-persons~~ individuals with  
13 disabilities, to be used by the ~~said~~ board in carrying out the  
14 provisions of this chapter or for related purposes ~~related~~  
15 ~~thereto~~.

16 EXPLANATION

17 This bill conforms current Code language in the vocational  
18 rehabilitation chapter with that of the amendments to the  
19 federal Rehabilitation Act of 1973, and changes the language  
20 so that acceptance of future amendments to the federal Act may  
21 not require changes in the Iowa vocational rehabilitation  
22 chapter. Terms and phrases are updated to conform to current  
23 usage and standards within the rehabilitation community.  
24 Certain out-of-date or redundant language and requirements are  
25 struck from the Code and nonsubstantive usage changes are  
26 made. The bill broadens the responsibilities for conducting  
27 continuing statewide studies of the vocational rehabilitation  
28 needs of individuals with disabilities to include other  
29 interested entities.

30 To make acceptance of future federal amendments to the  
31 federal Rehabilitation Act of 1973 easier, the term "as  
32 amended" is added to the reference and any specific references  
33 to past amendments to the federal Act are deleted. The need  
34 to cooperate with individuals with disabilities and to  
35 cooperate and confer with individuals' parents or guardians or

1 others, as appropriate, in studying and investigating the  
2 vocational rehabilitation needs of individuals in order to  
3 implement rehabilitation programs for individuals is provided  
4 for in the bill. The restrictive term "return to civil" as it  
5 applies to employment of individuals with disabilities is  
6 deleted throughout the vocational rehabilitation chapter.

7 Several years ago, the department of education renamed the  
8 division of vocational rehabilitation by adding the word  
9 "services" to the title of the agency. The bill updates Code  
10 references to the division title and makes a number of changes  
11 in terminology. The terms "persons disabled in industry or  
12 otherwise" and "handicapped person" are replaced by the term  
13 "individuals with disabilities." "Severely handicapped" is  
14 replaced by "individuals with severe disabilities" and the  
15 term "rehabilitation facilities and workshops" becomes  
16 "community rehabilitation programs." The new terms are  
17 consistent with the federal Act and are more commonly used by  
18 the affected population.

19 The bill strikes two Code subsections. The first,  
20 subsection 10 of section 259.4, requires the division to  
21 utilize public and private agencies and cooperate with other  
22 public agencies in securing employment for persons disabled in  
23 industry or otherwise. Subsection 11 of section 259.4 is  
24 similar in that it requires interagency cooperation between  
25 the division and other public or private agencies for carrying  
26 out the purposes of the chapter. The second, subsection 17 of  
27 the same section, which requires that vocational  
28 rehabilitation service be provided to socially disadvantaged  
29 persons, is struck because socially disadvantaged persons are  
30 no longer included in the definition of persons with  
31 disabilities.

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35

Duluthy. Chair  
Connolly  
Redfern

SSB-2133  
Education

SENATE/HOUSE FILE 2172  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to vocational rehabilitation.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 19B.2, unnumbered paragraph 2, Code  
2 1993, is amended to read as follows:

3 It is the policy of this state to permit special  
4 appointments by bypassing the usual testing procedures for any  
5 applicant for whom the division of vocational rehabilitation  
6 services of the department of education or the department for  
7 the blind has certified the applicant's disability and  
8 competence to perform the job. The department of personnel,  
9 in cooperation with the department for the blind and the  
10 division of vocational rehabilitation services, shall develop  
11 appropriate certification procedures. This paragraph should  
12 not be interpreted to bar promotional opportunities for blind  
13 and physically or mentally disabled persons. If this  
14 paragraph conflicts with any other provisions of this chapter,  
15 the provisions of this paragraph govern.

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17 1993, is amended to read as follows:

18 e. The administrator of the division of vocational  
19 rehabilitation services of the department of education.

20 Sec. 3. Section 225C.23, Code 1993, is amended to read as  
21 follows:

22 225C.23 BRAIN INJURY RECOGNIZED AS DISABILITY.

23 The department of human services, the Iowa department of  
24 public health, the department of education and its divisions  
25 of special education and vocational rehabilitation services,  
26 the department of human rights and its division for persons  
27 with disabilities, the department for the blind, and all other  
28 state agencies which serve persons with brain injuries, shall  
29 recognize brain injury as a distinct disability and shall  
30 identify those persons with brain injuries among the persons  
31 served by the state agency.

32 Sec. 4. Section 259.1, Code 1993, is amended to read as  
33 follows:

34 259.1 ACCEPTANCE OF FEDERAL AETS ACT.

35 The state of Iowa, through its legislative authority,

1 accepts the provisions and benefits of the Acts of Congress  
2 entitled federal "The Rehabilitation Act of 1973", Pub. L. No.  
3 93-1127, "The Rehabilitation, Comprehensive Services and  
4 Developmental Disabilities Amendments of 1978", Pub. L. No.  
5 95-602, "the "Rehabilitation Amendments of 1984"", Pub. L. No.  
6 98-2217, and "the "Rehabilitation Amendments of 1986"", Pub. L.  
7 No. 99-506, as amended and codified in 29 U.S.C. § 701 et seq.

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9 is amended to read as follows:

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12 United States for the vocational rehabilitation of persons  
13 disabled-in-industry-or-otherwise individuals with  
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15 custody of the moneys and make disbursement of them upon the  
16 requisition of the director of the department of education.

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20 The state board of education is the board for vocational  
21 education under this chapter. The division of vocational  
22 rehabilitation services is established in the department of  
23 education. The director of the department of education shall  
24 cooperate with the United States secretary of education in  
25 carrying out the federal acts law cited in sections 259.1 and  
26 259.2 providing for the vocational rehabilitation of persons  
27 disabled-in-industry-or-otherwise individuals with  
28 disabilities. The board for vocational education shall adopt  
29 rules under chapter 17A for the administration of this  
30 chapter.

31 Sec. 7. Section 259.4, Code 1993, is amended to read as  
32 follows:

33 259.4 DUTIES OF DIVISION.

34 The division of vocational rehabilitation services shall:

35 1. Cooperate with the secretary of education in the

1 administration of the federal acts law cited in section 259.1.

2 2. Administer legislation pursuant to the federal acts law  
3 cited in section 259.1, and direct the disbursement and  
4 administer the use of funds provided by the federal government  
5 and this state for the vocational rehabilitation of persons  
6 disabled-in-industry-or-otherwise-and-their-return-to-civil  
7 employment individuals with disabilities.

8 3. Study and make investigations relating to the  
9 vocational rehabilitation needs of persons-disabled-in  
10 industry-or-otherwise individuals with disabilities and their  
11 return-to-civil-employment-and cooperate with the individuals,  
12 or the individuals' parents or guardians and others as  
13 appropriate, to formulate plans-for-the-vocational and  
14 implement individualized written rehabilitation of-such  
15 persons programs for the employment of the individual.

16 4. Make-surveys-with-the Conduct continuing statewide  
17 studies of the needs of individuals with disabilities within  
18 the state and how these needs may be most effectively met in  
19 cooperation of with the state commissioner of labor, and the  
20 state industrial commissioner to-assist and other entities  
21 interested in the vocational rehabilitation of persons  
22 disabled-in-industry-or-otherwise-and-their-return-to-civil  
23 employment individuals with disabilities.

24 5. Maintain a record of persons-disabled-in-industry-or  
25 otherwise individuals with disabilities together with measures  
26 taken for their rehabilitation.

27 6. Utilize in the rehabilitation of persons-disabled-in  
28 industry-or-otherwise individuals with disabilities existing  
29 educational and other facilities as are advisable and  
30 practicable, including public and private educational  
31 institutions, public or private establishments, plants,  
32 factories, and the services of individuals specially qualified  
33 for the instruction and vocational rehabilitation of  
34 handicapped-persons individuals with disabilities.

35 7. Promote the establishment and assist in the development

1 of training agencies for the vocational rehabilitation of  
2 persons-disabled-in-industry-or-otherwise individuals with  
3 disabilities.

4 8. Supervise the training-of-persons-disabled-in-industry  
5 or-otherwise rehabilitation progress of individuals with  
6 disabilities and confer with the individuals or their  
7 relatives parents or guardians and others, as appropriate,  
8 concerning their vocational rehabilitation.

9 9. Attempt-to-place-vocationally-rehabilitated-persons-in  
10 suitable-remunerative-occupations,-including-supervision  
11 Provide placement services to individuals with disabilities  
12 directed toward competitive, integrated employment, including  
13 follow-up services for a reasonable time after return-to-civil  
14 employment begins.

15 10. Utilize-the-facilities-of-public-and-private-agencies  
16 as-practicable-in-securing-employment-for-persons-disabled-in  
17 industry-or-otherwise,-and-a-public-agency-shall-cooperate  
18 with-the-division-for-the-purpose-stated:

19 11: Cooperate with an agency of the federal government or  
20 of the state, or of a county or other municipal authority  
21 within the state, or any other agency, public or private, in  
22 carrying out the purposes of this chapter.

23 12 11. Do all things necessary to secure the  
24 rehabilitation of those entitled to the benefits of this  
25 chapter.

26 13 12. Report biennially to the governor the conditions of  
27 vocational rehabilitation within the state,-designating-the  
28 educational-institutions,-establishments,-plants,-factories,-  
29 and-other-agencies-in-which-training-is-being-given, and  
30 include a detailed statement of the expenditures of the state  
31 and federal funds in the rehabilitation of persons-disabled-in  
32 industry-or-otherwise individuals with disabilities.

33 14 13. Provide services for the vocational rehabilitation  
34 of severely-handicapped-persons individuals with severe  
35 disabilities and others entitled to the benefits of this

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2 community rehabilitation facilities-and-workshops programs.

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4 other-handicapped individuals with severe disabilities who are  
5 homebound, and other individuals with severe disabilities, who  
6 can wholly or substantially achieve an ability of-self-help-as  
7 to-dispense-or-largely-dispense-with-the-need-of-an-attendant  
8 to live independently.

9 ~~16~~ 15. Provide financial and other necessary assistance to  
10 public or private agencies in the development, expansion,  
11 operation, or maintenance of sheltered-workshops-or-other  
12 community rehabilitation facilities programs needed for the  
13 rehabilitation of the-disabled individuals with disabilities.

14 ~~17~~---Provide-vocational-rehabilitation-services-to-socially  
15 disadvantaged-persons-who-are-substantially-impaired-in-their  
16 ability-to-earn-a-living.---This-may-include-but-is-not-limited  
17 to-recipients-of-public-assistance,-inmates-of-correctional  
18 institutions-or-rejectees-of-the-selective-service-system,-who  
19 because-of-lack-of-training,-experience,-skills,-or-other  
20 factors-which-if-corrected-would-lead-to-self-support-instead  
21 of-dependency.

22 Sec. 8. Section 259.5, Code 1993, is amended to read as  
23 follows:

24 259.5 PLAN OF CO-OPERATION.

25 The division shall work with the state labor commissioner  
26 and the state industrial commissioner as administrator of the  
27 workers' compensation law to formulate a plan of co-operation  
28 in accordance with this chapter and the federal acts law cited  
29 in section 259.1. The plan shall be effective when approved  
30 by the governor of the state. A plan approved by the governor  
31 under this section prior to July 1, 1986, remains in effect  
32 until changed under this section.

33 Sec. 9. Section 259.6, Code 1993, is amended to read as  
34 follows:

35 259.6 GIFTS AND DONATIONS.

1 The division may receive gifts and donations from either  
2 public or private sources offered unconditionally or under  
3 conditions related to the vocational rehabilitation of persons  
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5 disabilities that are consistent with this chapter.

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7 follows:

8 259.7 FUND.

9 All the moneys received as gifts or donations shall be  
10 deposited in the state treasury and shall constitute a  
11 permanent fund to be called the special fund for the  
12 vocational rehabilitation of ~~disabled-persons~~ individuals with  
13 disabilities, to be used by the said board in carrying out the  
14 provisions of this chapter or for related purposes ~~related~~  
15 ~~thereto~~.

16

#### EXPLANATION

17 This bill conforms current Code language in the vocational  
18 rehabilitation chapter with that of the amendments to the  
19 federal Rehabilitation Act of 1973, and changes the language  
20 so that acceptance of future amendments to the federal Act may  
21 not require changes in the Iowa vocational rehabilitation  
22 chapter. Terms and phrases are updated to conform to current  
23 usage and standards within the rehabilitation community.  
24 Certain out-of-date or redundant language and requirements are  
25 struck from the Code and nonsubstantive usage changes are  
26 made. The bill broadens the responsibilities for conducting  
27 continuing statewide studies of the vocational rehabilitation  
28 needs of individuals with disabilities to include other  
29 interested entities.

30 To make acceptance of future federal amendments to the  
31 federal Rehabilitation Act of 1973 easier, the term "as  
32 amended" is added to the reference and any specific references  
33 to past amendments to the federal Act are deleted. The need  
34 to cooperate with individuals with disabilities and to  
35 cooperate and confer with individuals' parents or guardians or

1 others, as appropriate, in studying and investigating the  
2 vocational rehabilitation needs of individuals in order to  
3 implement rehabilitation programs for individuals is provided  
4 for in the bill. The restrictive term "return to civil" as it  
5 applies to employment of individuals with disabilities is  
6 deleted throughout the vocational rehabilitation chapter.

7 Under the bill, a biennial report the division provides to  
8 the governor will no longer be required to contain a list of  
9 the educational institutions, establishments, plants,  
10 factories, and other agencies in which training is given.

11 Several years ago, the department of education renamed the  
12 division of vocational rehabilitation by adding the word  
13 "services" to the title of the agency. The bill updates Code  
14 references to the division title and makes a number of changes  
15 in terminology. The terms "persons disabled in industry or  
16 otherwise" and "handicapped person" are replaced by the term  
17 "individuals with disabilities." "Severely handicapped" is  
18 replaced by "individuals with severe disabilities" and the  
19 term "rehabilitation facilities and workshops" becomes  
20 "community rehabilitation programs." The new terms are  
21 consistent with the federal Act and are more commonly used by  
22 the affected population.

23 The bill strikes two Code subsections. The first,  
24 subsection 10 of section 259.4, requires the division to  
25 utilize public and private agencies and cooperate with other  
26 public agencies in securing employment for persons disabled in  
27 industry or otherwise. Subsection 11 of section 259.4 is  
28 similar in that it requires interagency cooperation between  
29 the division and other public or private agencies for carrying  
30 out the purposes of the chapter. The second, subsection 17 of  
31 the same section, which requires that vocational  
32 rehabilitation service be provided to socially disadvantaged  
33 persons, is struck because socially disadvantaged persons are  
34 no longer included in the definition of persons with  
35 disabilities.



1 Subsection 3. Current language does not identify the need  
2 for customer involvement in need identification and program  
3 planning and limits vocational plans to "civil employment."  
4 The requested changes emphasize client involvement and  
5 eliminate the limitation to "civil" employment. This  
6 limitation is also eliminated in subsections 4 and 9.

7 Subsection 4. Current language makes the agency  
8 responsible for conducting needs studies only in cooperation  
9 with two specific agencies. The changes requested expand the  
10 responsibility consistent with the requirements in the federal  
11 Rehabilitation Act and consistent with the real needs of the  
12 program and individuals with disabilities.

13 Subsection 6. The requested change replaces the term  
14 "handicapped persons" with the more acceptable terminology,  
15 "individuals with disabilities." The requested terminology is  
16 also consistent with the federal Act.

17 Subsection 8. The requested changes more appropriately  
18 describe the scope of services of and the role of the agency  
19 with individuals with disabilities and their parents or  
20 guardians in the management of rehabilitation programs.

21 Subsection 9. The requested language clarifies the  
22 agency's intentions to place persons with disabilities in  
23 competitive integrated employment, which is a requirement in  
24 the 1992 amendments to the federal Rehabilitation Act.

25 Subsection 10. Current language in subsection 10 is  
26 redundant with the language of subsection 11.

27 Subsection 13. Designating in a report to the governor the  
28 educational institutions, establishments, plants, factories,  
29 and other agencies in which training is being given is time-  
30 consuming and unnecessary to an understanding of the efforts  
31 and outcomes of the agency. The requested change deletes the  
32 reporting requirement. However, the agency will continue to  
33 collect the data, which can be obtained upon request.

34 Subsection 14, 15, and 16. The requested changes to these  
35 subsections make the language more consistent with current

1 usage, the language of the federal Rehabilitation Act, and the  
2 usage preferences of individuals with disabilities. As  
3 examples, the term "severely handicapped persons" is changed  
4 to "individuals with severe disabilities" and the term  
5 "rehabilitation facilities and workshops" is changed to  
6 "community rehabilitation programs."

7 Subsection 17. The current language of this subsection was  
8 inserted in the 1970s when the federal Act provided funds for  
9 and defined the "socially disadvantaged" as persons with  
10 disabilities. That group is no longer included in the  
11 definitions of persons with disabilities and therefore the  
12 department is requesting that this subsection be struck from  
13 the Code. Services will continue to be available to  
14 individuals in this group who are also individuals with  
15 disabilities.

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SENATE FILE 2172

AN ACT  
RELATING TO VOCATIONAL REHABILITATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 198.2, unnumbered paragraph 2, Code 1993, is amended to read as follows:

It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation services of the department of education or the department for the blind has certified the applicant's disability and competence to perform the job. The department of personnel, in cooperation with the department for the blind and the division of vocational rehabilitation services, shall develop appropriate certification procedures. This paragraph should not be interpreted to bar promotional opportunities for blind and physically or mentally disabled persons. If this paragraph conflicts with any other provisions of this chapter, the provisions of this paragraph govern.

Sec. 2. Section 135.22A, subsection 2, paragraph e, Code 1993, is amended to read as follows:

e. The administrator of the division of vocational rehabilitation services of the department of education.

Sec. 3. Section 225C.23, Code 1993, is amended to read as follows:

225C.23 BRAIN INJURY RECOGNIZED AS DISABILITY.

The department of human services, the Iowa department of public health, the department of education and its divisions of special education and vocational rehabilitation services, the department of human rights and its division for persons with disabilities, the department for the blind, and all other state agencies which serve persons with brain injuries, shall recognize brain injury as a distinct disability and shall identify those persons with brain injuries among the persons served by the state agency.

Sec. 4. Section 259.1, Code 1993, is amended to read as follows:

259.1 ACCEPTANCE OF FEDERAL ACTS ACT.

The state of Iowa, through its legislative authority, accepts the provisions and benefits of the Acts-of-Congress entitled federal "The Rehabilitation Act of 1973", Pub--L--No: 93-1127, "The Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978", Pub--L--No: 95-602, the "Rehabilitation Amendments of 1984", Pub--L--No: 98-221, and the "Rehabilitation Amendments of 1986", Pub--L--No: 99-506, as amended and codified in 29 U.S.C. § 701 et seq.

Sec. 5. Section 259.2, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The treasurer of state is custodian of moneys received by the state from appropriations made by the Congress of the United States for the vocational rehabilitation of persons ~~disabled in industry or otherwise~~ individuals with disabilities, and may receive and provide for the proper custody of the moneys and make disbursement of them upon the requisition of the director of the department of education.

Sec. 6. Section 259.3, Code 1993, is amended to read as follows:

259.3 BOARD AND DIVISION.

The state board of education is the board for vocational education under this chapter. The division of vocational rehabilitation services is established in the department of education. The director of the department of education shall cooperate with the United States secretary of education in carrying out the federal acts law cited in sections 259.1 and 259.2 providing for the vocational rehabilitation of persons disabled-in-industry-or-otherwise individuals with disabilities. The board for vocational education shall adopt rules under chapter 17A for the administration of this chapter.

Sec. 7. Section 259.4, Code 1993, is amended to read as follows:

259.4 DUTIES OF DIVISION.

The division of vocational rehabilitation services shall:

1. Cooperate with the secretary of education in the administration of the federal acts law cited in section 259.1.
2. Administer legislation pursuant to the federal acts law cited in section 259.1, and direct the disbursement and administer the use of funds provided by the federal government and this state for the vocational rehabilitation of persons disabled-in-industry-or-otherwise-and-their-return-to-civil employment individuals with disabilities.
3. Study and make investigations relating to the vocational rehabilitation needs of persons-disabled-in industry-or-otherwise individuals with disabilities and their return-to-civil-employment-and cooperate with the individuals, or the individuals' parents or guardians and others as appropriate, to formulate plans-for-the-vocational and implement individualized written rehabilitation of-such persons programs for the employment of the individual.

4. Make-surveys-with-the Conduct continuing statewide studies of the needs of individuals with disabilities within the state and how these needs may be most effectively met in cooperation of with the state commissioner of labor, and the state industrial commissioner to-assist and other entities interested in the vocational rehabilitation of persons disabled-in-industry-or-otherwise-and-their-return-to-civil employment individuals with disabilities.

5. Maintain a record of persons-disabled-in-industry-or otherwise individuals with disabilities together with measures taken for their rehabilitation.

6. Utilize in the rehabilitation of persons-disabled-in industry-or-otherwise individuals with disabilities existing educational and other facilities as are advisable and practicable, including public and private educational institutions, public or private establishments, plants, factories, and the services of individuals specially qualified for the instruction and vocational rehabilitation of handicapped-persons individuals with disabilities.

7. Promote the establishment and assist in the development of training agencies for the vocational rehabilitation of persons-disabled-in-industry-or-otherwise individuals with disabilities.

8. Supervise the training-of-persons-disabled-in-industry or-otherwise rehabilitation progress of individuals with disabilities and confer with the individuals or their relatives parents or guardians and others, as appropriate, concerning their vocational rehabilitation.

9. Attempt-to-place-vocationally-rehabilitated-persons-in suitable-remunerative-occupations, including supervision Provide placement services to individuals with disabilities directed toward competitive, integrated employment, including follow-up services for a reasonable time after return-to-civil employment begins.

10. Utilize the facilities of public and private agencies as practicable in securing employment for persons disabled in industry or otherwise; and a public agency shall cooperate with the division for the purpose stated:

11. Cooperate with an agency of the federal government or of the state, or of a county or other municipal authority within the state, or any other agency, public or private, in carrying out the purposes of this chapter.

11. Do all those things necessary to secure the rehabilitation of those entitled to the benefits of this chapter, including but not limited to, the use of public agencies and community rehabilitation programs as practicable in securing employment for individuals with disabilities.

12. Report biennially to the governor the conditions of vocational rehabilitation within the state, designating the educational institutions, establishments, plants, factories, and other agencies in which training is being given, and include a detailed statement of the expenditures of the state and federal funds in the rehabilitation of persons disabled in industry or otherwise individuals with disabilities.

13. Provide services for the vocational rehabilitation of severely handicapped persons individuals with severe disabilities and others entitled to the benefits of this chapter, including the establishment and operation of community rehabilitation facilities and workshops programs.

14. Provide rehabilitation services to homebound and other handicapped individuals with severe disabilities who are homebound, and other individuals with severe disabilities, who can wholly or substantially achieve an ability of self-help as to dispense or largely dispense with the need of an attendant to live independently.

15. Provide financial and other necessary assistance to public or private agencies in the development, expansion, operation, or maintenance of sheltered workshops or other community rehabilitation facilities programs needed for the rehabilitation of the disabled individuals with disabilities.

17. Provide vocational rehabilitation services to socially disadvantaged persons who are substantially impaired in their ability to earn a living. This may include but is not limited to recipients of public assistance, inmates of correctional institutions or rejectees of the selective service system, who because of lack of training, experience, skills, or other factors which if corrected would lead to self-support instead of dependency.

Sec. 8. Section 259.5, Code 1993, is amended to read as follows:

259.5 PLAN OF CO-OPERATION.

The division shall work with the state labor commissioner and the state industrial commissioner as administrator of the workers' compensation law to formulate a plan of co-operation in accordance with this chapter and the federal acts law cited in section 259.1. The plan shall be effective when approved by the governor of the state. A plan approved by the governor under this section prior to July 1, 1986, remains in effect until changed under this section.

Sec. 9. Section 259.6, Code 1993, is amended to read as follows:

259.6 GIFTS AND DONATIONS.

The division may receive gifts and donations from either public or private sources offered unconditionally or under conditions related to the vocational rehabilitation of persons disabled in industry or otherwise individuals with disabilities that are consistent with this chapter.

Sec. 10. Section 259.7, Code 1993, is amended to read as follows:

259.7 FUND.

All the moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons individuals with disabilities, to be used by the said board in carrying out the

provisions of this chapter or for related purposes related thereto.

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LEONARD L. BOSWELL  
President of the Senate

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HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2172, Seventy-fifth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 25, 1994

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TERRY E. BRANSTAD  
Governor