

revolving fund. Moneys credited to the fund shall be used to supplement moneys appropriated for the osteopathic forgivable loan program, for loan forgiveness to eligible physicians and to pay for loan or interest repayment defaults by eligible physicians. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

Approved April 25, 1994

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**CHAPTER 1109**  
VOCATIONAL REHABILITATION  
*S.F. 2172*

**AN ACT** relating to vocational rehabilitation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 19B.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.93-112, "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.

12 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.

~~13~~ 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.

14 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.

~~15~~ 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.

16 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.

Approved April 25, 1994