

H- 3/6/96 Education
H- 3/21/96 Do Pass
FILED FEB 15 1996

SENATE FILE **2204**
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 2139)

Passed Senate, Date 3/4/96 (P.577) Passed House, Date 4-9-96 (P.1476)
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0
Approved 4-17-96

A BILL FOR

1 An Act relating to the operation of the vocational rehabilitation
2 division of the department of education and promoting
3 consistency with the most recently amended version of federal
4 law.

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

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S.F. 2204

1 Section 1. Section 85.70, Code 1995, is amended to read as
2 follows:

3 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.

4 An employee who has sustained an injury resulting in
5 permanent partial or permanent total disability, for which
6 compensation is payable under this chapter, and who cannot
7 return to gainful employment because of such disability, shall
8 upon application to and approval by the industrial
9 commissioner be entitled to a twenty-dollar weekly payment
10 from the employer in addition to any other benefit payments,
11 during each full week in which the employee is actively
12 participating in a vocational rehabilitation program
13 recognized by the ~~state-board-for-vocational-education~~
14 vocational rehabilitation services division of the department
15 of education. The industrial commissioner's approval of such
16 application for payment may be given only after a careful
17 evaluation of available facts, and after consultation with the
18 employer or the employer's representative. Judicial review of
19 the decision of the industrial commissioner may be obtained in
20 accordance with the terms of the Iowa administrative procedure
21 Act and in section 86.26. Such additional benefit payment
22 shall be paid for a period not to exceed thirteen consecutive
23 weeks except that the industrial commissioner may extend the
24 period of payment not to exceed an additional thirteen weeks
25 if the circumstances indicate that a continuation of training
26 will in fact accomplish rehabilitation.

27 Sec. 2. Section 256.7, subsection 2, Code 1995, is amended
28 to read as follows:

29 2. Constitute the state board for vocational education
30 under ~~chapters~~ chapter 258 and-259.

31 Sec. 3. Section 259.3, Code 1995, is amended to read as
32 follows:

33 259.3 BOARD AND DIVISION.

34 ~~The-state-board-of-education-is-the-board-for-vocational~~
35 ~~education-under-this-chapter.~~ The division of vocational

1 rehabilitation services is established in the department of
2 education. The director of the department of education shall
3 cooperate with the United States secretary of education in
4 carrying out the federal law cited in sections 259.1 and 259.2
5 providing for the vocational rehabilitation of individuals
6 with disabilities. The board ~~for-vocational~~ of education
7 shall adopt rules under chapter 17A for the administration of
8 this chapter.

9 Sec. 4. Section 259.4, subsections 3, 4, 5, 8, 9, 12, and
10 13, Code 1995, are amended by striking the subsections.

11 Sec. 5. Section 259.4, subsection 6, Code 1995, is amended
12 to read as follows:

13 6. Utilize in the rehabilitation of individuals with
14 disabilities existing educational and other facilities as are
15 advisable and practicable, including public and private
16 educational institutions, community rehabilitation programs,
17 public or private establishments, plants, factories, and the
18 services of individuals specially qualified for the
19 instruction and vocational rehabilitation of individuals with
20 disabilities.

21 Sec. 6. Section 259.4, subsection 11, Code 1995, is
22 amended to read as follows:

23 11. Do those things necessary to secure the rehabilitation
24 of those individuals entitled to the benefits of this chapter,
25 including ~~but-not-limited-to, the-use-of-public-agencies-and~~
26 ~~community-rehabilitation-programs-as-practicable-in-securing~~
27 ~~employment-for~~ those individuals with severe disabilities.

28 Sec. 7. Section 259.4, subsection 15, Code 1995, is
29 amended to read as follows:

30 15. Provide financial and other necessary assistance to
31 public or private agencies in the development, or expansion,
32 ~~operation, or-maintenance~~ of community rehabilitation
33 programs, or programs in other public agencies, needed for the
34 rehabilitation of individuals with disabilities.

35 Sec. 8. Section 259.5, Code 1995, is amended by striking

1 the section and inserting in lieu thereof the following:

2 259.5 REPORT TO GOVERNOR.

3 The division shall report biennially to the governor the
4 condition of vocational rehabilitation within the state,
5 designating the educational institutions, establishments,
6 plants, factories, and other agencies in which training is
7 being given, and include a detailed statement of expenditures
8 of the state and federal funds in the rehabilitation of
9 individuals with disabilities.

10 Sec. 9. Section 259.7, Code 1995, is amended to read as
11 follows:

12 259.7 FUND.

13 All the moneys received as gifts or donations shall be
14 deposited in the state treasury and shall constitute a
15 permanent fund to be called the special fund for the
16 vocational rehabilitation of individuals with disabilities, to
17 be used by the ~~board~~ director of the department of education
18 in carrying out the provisions of this chapter or for related
19 purposes.

20 Sec. 10. Section 259.9, Code 1995, is amended to read as
21 follows:

22 259.9 AGREEMENT CONTINUED.

23 The agreement between the ~~board-for-vocational-education~~
24 director of the department of education and the secretary-of
25 ~~the-United-States-department-of-health-and-human-services~~
26 commissioner of the United States social security
27 administration relating to making determinations of disability
28 under Title II and Title XVI of the federal Social Security
29 Act as amended, 42 U.S.C. ch. 7, completed prior to July 1,
30 1986 remains in effect.

31 Sec. 11. CENTER NAMED. The northwest section of the
32 Jessie M. Parker vocational rehabilitation building at the
33 capitol complex in Des Moines shall be named the Juliet Saxton
34 Center.

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EXPLANATION

1 This bill provides for the operation of the division of
2 vocational rehabilitation services of the department of
3 education in a manner consistent with the most recently
4 amended version of the federal Rehabilitation Act of 1973.

5 The federal Act no longer requires that the vocational
6 rehabilitation division be coordinated with the board of
7 vocational education. Previously, the board of education met
8 as the board of vocational education in establishing rules
9 relating to the operation of the division. Provisions in
10 chapter 259 regarding the coordination between the vocational
11 rehabilitation division and the board of vocational education
12 are accordingly removed, as are related references in section
13 85.70 and section 256.7, subsection 2.

14 Provisions in section 259.4 concerning duties of the
15 vocational rehabilitation division relating to formulating and
16 implementing written rehabilitation programs, conducting
17 studies of the needs of individuals with disabilities in
18 coordination with other state agencies, maintaining records,
19 supervision of the progress of individuals with disabilities,
20 and placement services relating to competitive, integrated
21 employment are deleted. These provisions are addressed in the
22 federal Act and related regulations, and have required
23 amendment every time an amendment to the federal Act or
24 regulations occurred. In addition, a general duty to do what
25 is necessary to secure the rehabilitation of those entitled to
26 the benefits of the chapter is extended to include individuals
27 with severe disabilities.

28 The bill also deletes a provision in section 259.5 relating
29 to a plan for cooperation between the division of vocational
30 rehabilitation and the state labor commissioner and state
31 industrial commissioner which is no longer required by the
32 federal Act.

33 The bill provides for the designation of the northwest
34 corner of the Jessie M. Parker vocational rehabilitation
35 building at the capitol complex in Des Moines as the Juliet

- 1 Saxton Center.
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Szymoniak
Dvorsky
Kramer

Succeeded By
SF/HF 2204

SSB-2139
Education

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON CONNOLLY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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SENATE FILE 2204

AN ACT

RELATING TO THE OPERATION OF THE VOCATIONAL REHABILITATION
DIVISION OF THE DEPARTMENT OF EDUCATION AND PROMOTING
CONSISTENCY WITH THE MOST RECENTLY AMENDED VERSION OF
FEDERAL LAW.

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

Section 1. Section 85.70, Code 1995, is amended to read as follows:

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An employee who has sustained an injury resulting in permanent partial or permanent total disability, for which compensation is payable under this chapter, and who cannot return to gainful employment because of such disability, shall upon application to and approval by the industrial commissioner be entitled to a twenty-dollar weekly payment from the employer in addition to any other benefit payments, during each full week in which the employee is actively participating in a vocational rehabilitation program recognized by the ~~state-board-for-vocational-education~~ vocational rehabilitation services division of the department of education. The industrial commissioner's approval of such application for payment may be given only after a careful evaluation of available facts, and after consultation with the employer or the employer's representative. Judicial review of the decision of the industrial commissioner may be obtained in accordance with the terms of the Iowa administrative procedure Act and in section 86.26. Such additional benefit payment shall be paid for a period not to exceed thirteen consecutive weeks except that the industrial commissioner may extend the period of payment not to exceed an additional thirteen weeks if the circumstances indicate that a continuation of training

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The agreement between the ~~board-for-vocational-education director of the department of education~~ and the ~~secretary-of the-United-States-department-of-health-and-human-services~~

commissioner of the United States social security administration relating to making determinations of disability under Title II and Title XVI of the federal Social Security Act as amended, 42 U.S.C. ch. 7, completed prior to July 1, 1986 remains in effect.

Sec. 11. CENTER NAMED. The northwest section of the Jessie M. Parker vocational rehabilitation building at the capitol complex in Des Moines shall be named the Juliet Saxton Center.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2204, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 4/17, 1996

TERRY E. BRANSTAD
Governor