

Senate Study Bill 2139

Conference Committee Text

PAG LIN

1 1 Section 1. Section [85.70](#), Code 1995, is amended to read as
1 2 follows:

1 3 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.

1 4 An employee who has sustained an injury resulting in
1 5 permanent partial or permanent total disability, for which
1 6 compensation is payable under this chapter, and who cannot
1 7 return to gainful employment because of such disability, shall
1 8 upon application to and approval by the industrial
1 9 commissioner be entitled to a twenty-dollar weekly payment
1 10 from the employer in addition to any other benefit payments,
1 11 during each full week in which the employee is actively
1 12 participating in a vocational rehabilitation program
1 13 recognized by the

~~state board for vocational education~~

1 14 vocational rehabilitation services division of the department
1 15 of education. The industrial commissioner's approval of such
1 16 application for payment may be given only after a careful
1 17 evaluation of available facts, and after consultation with the
1 18 employer or the employer's representative. Judicial review of
1 19 the decision of the industrial commissioner may be obtained in
1 20 accordance with the terms of the Iowa administrative procedure
1 21 Act and in section 86.26. Such additional benefit payment
1 22 shall be paid for a period not to exceed thirteen consecutive
1 23 weeks except that the industrial commissioner may extend the
1 24 period of payment not to exceed an additional thirteen weeks
1 25 if the circumstances indicate that a continuation of training
1 26 will in fact accomplish rehabilitation.

1 27 Sec. 2. Section [256.7](#), subsection 2, Code 1995, is amended
1 28 to read as follows:

1 29 2. Constitute the state board for vocational education
1 30 under

~~chapters~~

~~chapter 258~~

~~and 259~~

1 31 Sec. 3. Section [259.3](#), Code 1995, is amended to read as
1 32 follows:

1 33 259.3 BOARD AND DIVISION.

1 34

~~The state board of education is the board for vocational~~

1 35

~~education under this chapter.~~

- The division of vocational
2 1 rehabilitation services is established in the department of
2 2 education. The director of the department of education shall
2 3 cooperate with the United States secretary of education in
2 4 carrying out the federal law cited in sections 259.1 and 259.2
2 5 providing for the vocational rehabilitation of individuals
2 6 with disabilities. The board

~~for vocational~~

~~of education~~

2 7 shall adopt rules under chapter 17A for the administration of
2 8 this chapter.

2 9 Sec. 4. Section 259.4, subsections 3, 4, 5, 8, 9, 12, and
2 10 13, Code 1995, are amended by striking the subsections.

2 11 Sec. 5. Section [259.4](#), subsection 6, Code 1995, is amended
2 12 to read as follows:

2 13 6. Utilize in the rehabilitation of individuals with
2 14 disabilities existing educational and other facilities as are
2 15 advisable and practicable, including public and private
2 16 educational institutions, community rehabilitation programs,
2 17 public or private establishments, plants, factories, and the
2 18 services of individuals specially qualified for the
2 19 instruction and vocational rehabilitation of individuals with
2 20 disabilities.

2 21 Sec. 6. Section [259.4](#), subsection 11, Code 1995, is
2 22 amended to read as follows:

2 23 11. Do those things necessary to secure the rehabilitation
2 24 of those individuals entitled to the benefits of this chapter,
2 25 including

~~but not limited to, the use of public agencies and~~

2 26

~~community rehabilitation programs as practicable in securing~~

2 27

~~employment for~~

~~those individuals with severe disabilities.~~

2 28 Sec. 7. Section [259.4](#), subsection 15, Code 1995, is
2 29 amended to read as follows:

2 30 15. Provide financial and other necessary assistance to
2 31 public or private agencies in the development

~~or expansion~~

2 32

~~operation, or maintenance~~

~~of community rehabilitation~~

2 33 programs, or programs in other public agencies, needed for the
2 34 rehabilitation of individuals with disabilities.

2 35 Sec. 8. Section [259.5](#), Code 1995, is amended by striking
3 1 the section and inserting in lieu thereof the following:

3 2 259.5 REPORT TO GOVERNOR.

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

3 10 Sec. 9. Section [259.7](#), Code 1995, is amended to read as
3 11 follows:

3 12 259.7 FUND.

3 13 All the moneys received as gifts or donations shall be
3 14 deposited in the state treasury and shall constitute a
3 15 permanent fund to be called the special fund for the
3 16 vocational rehabilitation of individuals with disabilities, to
3 17 be used by the

~~board~~

~~- director of the department of education~~

3 18 in carrying out the provisions of this chapter or for related
3 19 purposes.

3 20 Sec. 10. Section [259.9](#), Code 1995, is amended to read as
3 21 follows:

3 22 259.9 AGREEMENT CONTINUED.

3 23 The agreement between the

~~board for vocational education~~

~~-~~
3 24 director of the department of education and the

~~secretary of~~

~~-~~
3 25

~~the United States department of health and human services~~

~~-~~
3 26 commissioner of the United States social security

3 27 administration relating to making determinations of disability
3 28 under Title II and Title XVI of the federal Social Security
3 29 Act as amended, 42 U.S.C. ch. 7, completed prior to July 1,
3 30 1986 remains in effect.

3 31 EXPLANATION

3 32 This bill provides for the operation of the division of
3 33 vocational rehabilitation services of the department of
3 34 education in a manner consistent with the most recently
3 35 amended version of the federal Rehabilitation Act of 1973.

4 1 The federal Act no longer requires that the vocational
4 2 rehabilitation division be coordinated with the board of
4 3 vocational education. Previously, the board of education met
4 4 as the board of vocational education in establishing rules
4 5 relating to the operation of the division. Provisions in
4 6 chapter 259 regarding the coordination between the vocational
4 7 rehabilitation division and the board of vocational education
4 8 are accordingly removed, as are related references in section
4 9 85.70 and section 256.7, subsection 2.

4 10 Provisions in section 259.4 concerning duties of the
4 11 vocational rehabilitation division relating to formulating and
4 12 implementing written rehabilitation programs, conducting
4 13 studies of the needs of individuals with disabilities in
4 14 coordination with other state agencies, maintaining records,
4 15 supervision of the progress of individuals with disabilities,
4 16 and placement services relating to competitive, integrated
4 17 employment are deleted. These provisions are addressed in the
4 18 federal Act and related regulations, and have required
4 19 amendment every time an amendment to the federal Act or
4 20 regulations occurred. In addition, a general duty to do what
4 21 is necessary to secure the rehabilitation of those entitled to
4 22 the benefits of the chapter is extended to include individuals
4 23 with severe disabilities.

4 24 The bill also deletes a provision in section 259.5 relating
4 25 to a plan for cooperation between the division of vocational
4 26 rehabilitation and the state labor commissioner and state
4 27 industrial commissioner which is no longer required by the
4 28 federal Act.

4 29 LSB 3377SC 76

4 30 rn/cf/24