

House File 289 - Introduced

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BY TUREK

A BILL FOR

1 An Act transferring the division of vocational rehabilitation
2 services from the department of workforce development to the
3 department of education.

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

unofficial

1 Section 1. Section 19B.2, subsection 2, Code 2025, is amended
2 to read as follows:

3 2. 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 ~~workforce development~~ education
7 or the department for the blind has certified the applicant's
8 disability and competence to perform the job. The department
9 of administrative services, in cooperation with the department
10 for the blind and the division of vocational rehabilitation
11 services, shall develop appropriate certification procedures.
12 This subsection should not be interpreted to bar promotional
13 opportunities for persons who are blind or persons with physical
14 or mental disabilities. If this subsection conflicts with
15 any other provisions of this chapter, the provisions of this
16 subsection govern.

17 Sec. 2. Section 48A.19, subsection 1, paragraph b,
18 subparagraph (1), subparagraph division (b), Code 2025, is
19 amended to read as follows:

20 (b) Division of vocational rehabilitation services of the
21 department of ~~workforce development~~ education.

22 Sec. 3. Section 84A.1, subsection 4, Code 2025, is amended by
23 striking the subsection.

24 Sec. 4. Section 84A.1A, subsection 1, paragraph a,
25 subparagraph (6), Code 2025, is amended by striking the
26 subparagraph.

27 Sec. 5. Section 84A.4, subsection 2, paragraph b,
28 subparagraph (4), subparagraph division (a), subparagraph
29 subdivision (iii), Code 2025, is amended to read as follows:

30 (iii) The members shall include at least one appropriate
31 representative of the programs carried out under Tit. I of
32 the federal Rehabilitation Act of 1973, as codified at 29
33 U.S.C. §720 et seq., relating to vocational rehabilitation
34 services, excluding 29 U.S.C. §732 and 741, serving the local
35 workforce development area and nominated by the administrator

1 of the division of vocational rehabilitation services of the
2 department of ~~workforce development~~ education or director of the
3 department for the blind, as appropriate.

4 Sec. 6. Section 84A.6, subsection 3, Code 2025, is amended to
5 read as follows:

6 3. The director of the department of workforce development,
7 in cooperation with the department of health and human services
8 and the vocational rehabilitation services division of the
9 department of ~~workforce development~~ education, shall establish a
10 program to provide job placement and training to persons with
11 disabilities.

12 Sec. 7. Section 84B.1, Code 2025, is amended to read as
13 follows:

14 **84B.1 Workforce development system.**

15 The departments of workforce development, education, health
16 and human services, and corrections, the economic development
17 authority, the division of Iowa vocational rehabilitation
18 services of the department of ~~workforce development~~ education,
19 and the department for the blind shall collaborate where possible
20 under applicable state and federal law to align workforce
21 development programs, services, and activities in an integrated
22 workforce development system in the state and in each local
23 workforce development area that is data driven and responsive
24 to the needs of workers, job seekers, and employers. The
25 departments, authority, and division shall also jointly establish
26 an integrated management information system for linking workforce
27 development programs within local workforce development systems
28 and in the state.

29 Sec. 8. Section 84B.2, unnumbered paragraph 1, Code 2025, is
30 amended to read as follows:

31 The department of workforce development, in consultation with
32 the departments of education, health and human services, and
33 corrections, the economic development authority, the division
34 of Iowa vocational rehabilitation services of the department
35 of ~~workforce development~~ education, and the department for the

1 blind shall establish guidelines for collocating state and federal
2 employment and training programs in centers providing services
3 at the local level. The centers shall be known as workforce
4 development centers. The guidelines shall provide for local
5 design and operation within the guidelines. The core services
6 available at a center shall include but are not limited to all of
7 the following:

8 Sec. 9. Section 84H.2, Code 2025, is amended to read as
9 follows:

10 **84H.2 Custodian of funds.**

11 1. The treasurer of state is custodian of moneys received
12 by the state from appropriations made by the Congress of the
13 United States for the vocational rehabilitation of individuals
14 with disabilities, and may receive and provide for the proper
15 custody of the moneys and make disbursement of the moneys upon
16 the requisition of the director of the department of ~~workforce~~
17 development education.

18 2. The treasurer of state is appointed custodian of moneys
19 paid by the federal government to the state for the purpose
20 of carrying out the agreement relative to making determinations
21 of disability under Tit. II and Tit. XVI of the federal Social
22 Security Act as amended, 42 U.S.C. ch. 7, and may receive the
23 moneys and make disbursements of the moneys upon the requisition
24 of the director of the department of ~~workforce development~~
25 education.

26 Sec. 10. Section 84H.3, Code 2025, is amended to read as
27 follows:

28 **84H.3 Division of vocational rehabilitation services.**

29 The division of vocational rehabilitation services is
30 established in the department of ~~workforce development~~ education.
31 The director of the department of ~~workforce development~~ education
32 shall cooperate with the United States secretary of education in
33 carrying out the federal law cited in sections 84H.1 and 84H.2
34 providing for the vocational rehabilitation of individuals with
35 disabilities.

1 Sec. 11. Section 84H.7, Code 2025, is amended to read as
2 follows:

3 **84H.7 Fund.**

4 All the moneys received as gifts or donations shall be
5 deposited in the state treasury and shall constitute a permanent
6 fund to be called the special fund for the vocational
7 rehabilitation of individuals with disabilities, to be used by
8 the director of the department of ~~workforce development~~ education
9 in carrying out the provisions of this chapter or for related
10 purposes.

11 Sec. 12. Section 84H.8, Code 2025, is amended to read as
12 follows:

13 **84H.8 Report of gifts.**

14 A report of all gifts and donations offered and accepted,
15 together with the name of each donor and the amount contributed
16 by each donor, and all disbursements from the special fund for
17 the vocational rehabilitation of individuals with disabilities
18 shall be submitted biennially to the governor by the department
19 of ~~workforce development~~ education.

20 Sec. 13. Section 84H.10, Code 2025, is amended to read as
21 follows:

22 **84H.10 Rules.**

23 The ~~department of workforce development~~ state board of
24 education shall adopt rules under chapter 17A for the
25 administration of this chapter.

26 Sec. 14. Section 85.70, subsection 1, Code 2025, is amended
27 to read as follows:

28 1. An employee who has sustained an injury resulting in
29 permanent partial or permanent total disability, for which
30 compensation is payable under this chapter other than an injury
31 to the shoulder compensable pursuant to section 85.34, subsection
32 2, paragraph "n", and who cannot return to gainful employment
33 because of such disability, shall upon application to and
34 approval by the workers' compensation commissioner be entitled
35 to a one hundred dollar weekly payment from the employer

1 in addition to any other benefit payments, during each full
2 week in which the employee is actively participating in a
3 vocational rehabilitation program recognized by the vocational
4 rehabilitation services division of the department of ~~workforce~~
5 ~~development~~ education. The workers' compensation commissioner's
6 approval of such application for payment may be given only
7 after a careful evaluation of available facts, and after
8 consultation with the employer or the employer's representative.
9 Judicial review of the decision of the workers' compensation
10 commissioner may be obtained in accordance with the terms of the
11 Iowa administrative procedure Act, chapter 17A, and in section
12 10A.322. Such additional benefit payment shall be paid for
13 a period not to exceed thirteen consecutive weeks except that
14 the workers' compensation commissioner may extend the period
15 of payment not to exceed an additional thirteen weeks if the
16 circumstances indicate that a continuation of training will in
17 fact accomplish rehabilitation.

18 Sec. 15. Section 147.77, subsection 1, paragraph c, Code
19 2025, is amended to read as follows:

20 c. The economic development authority, with respect to rules
21 relating to the certification of a person with a disability
22 for the purpose of the targeted small business program, that
23 in order to be considered a person with a disability for the
24 purpose of the targeted small business program, the person must
25 qualify and receive certification as having a disability from a
26 licensed medical physician or must have been found eligible for
27 vocational rehabilitation services by the department of ~~workforce~~
28 ~~development~~ education, division of vocational rehabilitation
29 services, or by the department for the blind.

30 Sec. 16. Section 225C.23, subsection 1, Code 2025, is amended
31 to read as follows:

32 1. The department, the division of special education of
33 the department of education, the division of vocational
34 rehabilitation services of the department of ~~workforce~~
35 ~~development~~ education, the department for the blind, and all

1 other state agencies which serve persons with brain injuries,
2 shall recognize brain injury as a distinct disability and shall
3 identify those persons with brain injuries among the persons
4 served by the state agency.

5 Sec. 17. Section 256.35A, subsection 2, paragraph b, Code
6 2025, is amended to read as follows:

7 b. In addition, representatives of the department of
8 education, the division of vocational rehabilitation of the
9 department of ~~workforce development~~ education, the department of
10 health and human services, the Iowa developmental disabilities
11 council, the division of insurance of the department of insurance
12 and financial services, and the state board of regents shall
13 serve as ex officio members of the advisory council. Ex officio
14 members shall work together in a collaborative manner to serve
15 as a resource to the advisory council. The council may also
16 form workgroups as necessary to address specific issues within
17 the technical purview of individual members.

18 Sec. 18. CODE EDITOR DIRECTIVE.

19 1. The Code editor is directed to make the following
20 transfers:

- 21 a. Section 84H.1 to section 256.231.
- 22 b. Section 84H.2 to section 256.232.
- 23 c. Section 84H.3 to section 256.233.
- 24 d. Section 84H.4 to section 256.234.
- 25 e. Section 84H.5 to section 256.235.
- 26 f. Section 84H.6 to section 256.236.
- 27 g. Section 84H.7 to section 256.237.
- 28 h. Section 84H.8 to section 256.238.
- 29 i. Section 84H.9 to section 256.239.
- 30 j. Section 84H.10 to section 256.240.

31 2. The Code editor shall correct internal references in the
32 Code and in any enacted legislation as necessary due to the
33 enactment of this section.

34 3. The Code editor may designate sections 256.231 through
35 256.240, as enacted in this Act, as new subchapter VIII within

1 chapter 256, entitled "Division of Vocational Rehabilitation
2 Services".

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill transfers the division of vocational rehabilitation
7 services from the department of workforce development to the
8 department of education.

9 The division of vocational rehabilitation services is
10 responsible for, among other things, administering legislation
11 enacted pursuant to the federal Rehabilitation Act of
12 1973 in this state, administering the use of funds
13 provided by the federal government and this state for the
14 vocational rehabilitation of individuals with disabilities,
15 assisting in the development of training agencies for the
16 vocational rehabilitation of individuals with disabilities,
17 helping to secure the rehabilitation of individuals with
18 significant disabilities, providing rehabilitation services to
19 individuals with significant disabilities who are homebound,
20 and administering the entrepreneurs with disabilities program.
21 Current law establishes the division of vocational rehabilitation
22 services within the department of workforce development. The
23 bill transfers the division of vocational rehabilitation services
24 from the department of workforce development to the department of
25 education.

26 The bill makes conforming changes, including changes related
27 to the membership of the Iowa workforce development board and the
28 Iowa autism council.