

House File 2585 - Reprinted

HOUSE FILE 2585
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 2396)

(As Amended and Passed by the House March 4, 2020)

A BILL FOR

1 An Act relating to the terminology used in relation to the deaf
2 and hard-of-hearing persons.

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

1 Section 1. Section 34.2, subsection 4, Code 2020, is amended
2 to read as follows:

3 4. A 911 system shall be capable of transmitting requests
4 for law enforcement, fire fighting, and emergency medical
5 and ambulance services to a public safety agency or agencies
6 that provide the requested service at the place where the call
7 originates. A 911 system may also provide for transmitting
8 requests for emergency management, poison control, suicide
9 prevention, and other emergency services. The public safety
10 answering point shall be capable of receiving calls from deaf
11 and hard-of-hearing persons through a telecommunications device
12 for the deaf and hard of hearing. Conferencing capability
13 with counseling, aid to persons with disabilities, and other
14 services as deemed necessary for identifying appropriate
15 emergency response services may be provided by the 911 service.

16 A public safety answering point may transmit emergency
17 response requests to private safety entities.

18 Sec. 2. Section 34A.9, Code 2020, is amended to read as
19 follows:

20 **34A.9 Telecommunications devices for the persons with speech
21 disorders and hearing-impaired the deaf and hard of hearing.**

22 Each public safety answering point shall provide for the
23 installation and use of telecommunications devices for ~~the~~
24 persons with speech disorders and hearing-impaired for the deaf
25 and hard of hearing.

26 Sec. 3. Section 100.18, subsection 2, paragraph c, Code
27 2020, is amended to read as follows:

28 c. An owner or an owner's agent of a multiple-unit
29 residential building or single-family dwelling shall supply
30 light-emitting smoke detectors, upon request, for a tenant ~~with~~
31 a who is deaf or hard of hearing impairment.

32 Sec. 4. Section 100.18, subsection 3, paragraph c, Code
33 2020, is amended to read as follows:

34 c. An owner of a multiple-unit residential building or
35 a single-family rental unit that has a fuel-fired heater or

1 appliance, a fireplace, or an attached garage, or an owner's
2 agent, shall supply light-emitting carbon monoxide alarms, upon
3 request, for a tenant ~~with a~~ who is deaf or hard of hearing
4 ~~impairment~~.

5 Sec. 5. Section 135L.2, subsection 1, paragraph a,
6 subparagraph (1), Code 2020, is amended to read as follows:

7 (1) A video, to be developed by a person selected through a
8 request for proposals process or other contractual agreement,
9 which provides information regarding the various options
10 available to a pregnant minor with regard to the pregnancy,
11 including a decision to continue the pregnancy to term and
12 retain parental rights following the child's birth, a decision
13 to continue the pregnancy to term and place the child for
14 adoption following the child's birth, and a decision to
15 terminate the pregnancy through abortion. The video shall
16 provide the information in a manner and language, including
17 but not limited to the use of closed captioning for the
18 ~~hearing-impaired~~ deaf and hard of hearing, which could be
19 understood by a minor.

20 Sec. 6. Section 147.14, subsection 1, paragraph u, Code
21 2020, is amended to read as follows:

22 u. For sign language interpreting and transliterating, four
23 members licensed to practice interpreting and transliterating,
24 three of whom shall be practicing interpreters and
25 transliterators at the time of appointment to the board and
26 at least one of whom is employed in an educational setting;
27 and three members who are consumers of interpreting or
28 transliterating services as defined in [section 154E.1](#), each of
29 whom shall be deaf or hard of hearing.

30 Sec. 7. Section 154A.1, subsection 4, Code 2020, is amended
31 to read as follows:

32 4. "*Hearing aid*" means a wearable instrument or device
33 designed for or offered for the purpose of aiding or
34 compensating for ~~impaired~~ human hearing disorders, and any
35 parts, attachments, or accessories, including earmold, but

1 excluding batteries and cords.

2 Sec. 8. Section 154A.24, subsection 3, paragraph p, Code
3 2020, is amended to read as follows:

4 *p.* Stating or implying that the use of a hearing aid will
5 restore normal hearing or preserve hearing or prevent or retard
6 progressions of hearing ~~impairment~~ disorders or any other false
7 or misleading claim regarding the use or benefit of a hearing
8 aid.

9 Sec. 9. Section 216A.113, subsection 1, Code 2020, is
10 amended to read as follows:

11 1. The commission of deaf services is established, and shall
12 consist of seven voting members appointed by the governor,
13 subject to confirmation by the senate pursuant to section
14 2.32. Membership of the commission shall include at least four
15 members who are deaf ~~and who cannot hear human speech with or~~
16 ~~without use of amplification~~ and at least one member who is
17 hard of hearing. All members shall reside in Iowa.

18 Sec. 10. Section 235A.15, subsection 2, paragraph c,
19 subparagraph (5), Code 2020, is amended to read as follows:

20 (5) To the superintendent of the Iowa school for the deaf
21 if the data concerns a person employed or being considered for
22 employment or living in the school.

23 Sec. 11. Section 256B.3, subsection 9, Code 2020, is amended
24 to read as follows:

25 9. To cooperate with existing agencies such as the
26 department of human services, the Iowa department of public
27 health, the ~~state~~ Iowa school for the deaf, the Iowa braille
28 and sight saving school, the children's hospitals, or other
29 agencies concerned with the welfare and health of children
30 requiring special education in the coordination of their
31 educational activities for such children.

32 Sec. 12. Section 262.7, subsection 5, Code 2020, is amended
33 to read as follows:

34 5. The ~~state~~ Iowa school for the deaf.

35 Sec. 13. Section 262.9, subsection 2, Code 2020, is amended

1 to read as follows:

2 2. Elect a president of each of the institutions of higher
3 learning; a superintendent of each of the other institutions;
4 a treasurer and a secretarial officer for each institution
5 annually; professors, instructors, officers, and employees;
6 and fix their compensation. Sections 279.12 through 279.19
7 and section 279.27 apply to employees of the Iowa braille and
8 sight saving school and the state Iowa school for the deaf,
9 who are licensed pursuant to chapter 272. In following those
10 sections in chapter 279, the references to boards of directors
11 of school districts shall be interpreted to apply to the board
12 of regents.

13 Sec. 14. Section 262.43, Code 2020, is amended to read as
14 follows:

15 **262.43 Students residing on state-owned land.**

16 The state board of regents shall pay to the local school
17 boards the tuition payments and transportation costs, as
18 otherwise authorized by statutes for the elementary or high
19 school education of students residing on land owned by the
20 state and under the control of the state board of regents.
21 Such payments for the three institutions of higher learning,
22 the state university of Iowa, the Iowa state university of
23 science and technology, and the university of northern Iowa,
24 shall be made from the funds of the respective institutions
25 other than state appropriations, and for the two noncollegiate
26 institutions, the Iowa braille and sight saving school and the
27 state Iowa school for the deaf, the payments and costs shall be
28 paid from moneys appropriated to the state board of regents.

29 Sec. 15. Section 263.11, subsection 2, Code 2020, is amended
30 to read as follows:

31 2. Persons who are not eligible for admission to the schools
32 already established for persons with an intellectual disability
33 or epilepsy or persons who are deaf or hard of hearing or
34 blind.

35 Sec. 16. Section 270.1, Code 2020, is amended to read as

1 follows:

2 **270.1 Superintendent.**

3 The superintendent of the school for the deaf shall be
4 a trained and experienced educator of the deaf and hard of
5 hearing. The superintendent's salary may include residence in
6 the institution, but no such allowance shall be made except by
7 express contract in advance.

8 Sec. 17. Section 270.3, Code 2020, is amended to read as
9 follows:

10 **270.3 Admission.**

11 Any resident of the state less than twenty-one years of
12 age, who has a hearing loss which is too severe to acquire an
13 education in the public schools is eligible to attend the Iowa
14 school for the deaf. Nonresidents similarly situated may be
15 admitted to an education therein upon such terms as may be
16 fixed by the state board of regents. The fee for nonresidents
17 shall be not less than the average expense of resident pupils
18 and shall be paid in advance.

19 Sec. 18. Section 270.9, Code 2020, is amended to read as
20 follows:

21 **270.9 ~~School~~ Iowa school for the deaf and the Iowa braille**
22 **and sight saving school.**

23 Funds appropriated to the Iowa school for the deaf and
24 the Iowa braille and sight saving school for payments to the
25 parents or guardians of pupils in either institution shall be
26 expended as follows:

27 1. Transportation reimbursement at a rate established
28 annually by the state board of regents to the parents or
29 guardians of children who do not reside in the institution, but
30 are transported to the institution on a daily basis.

31 2. Transportation reimbursement at a rate established
32 annually by the state board of regents to the parents or
33 guardians for transportation from the institution to the
34 residence of the parent or guardian and return to the
35 institution for children who reside in the institution.

1 Sec. 19. Section 270.10, subsection 1, Code 2020, is amended
2 to read as follows:

3 1. The state board of regents shall not merge the Iowa
4 school for the deaf at Council Bluffs with the Iowa braille
5 and sight saving school at Vinton or close either of those
6 institutions until all of the following requirements have been
7 met:

8 *a.* The department of management has presented to the general
9 assembly a comprehensive plan, program, and fiscal analysis of
10 the existing circumstances and the circumstances which would
11 prevail upon the proposed merger or closing, together with
12 data which would support the contention that the merger or
13 closing will be more efficient and effective than continuation
14 of the existing facilities. The analysis shall include a
15 detailed study of the educational implications of the merger
16 or closing, the impact on the students, and the opinions and
17 research of nationally recognized experts in the field of the
18 education of visually impaired and deaf or hard-of-hearing
19 students. The comprehensive plan shall further include a
20 study relating to the programming, fiscal consequences, and
21 political implications which would result if either a merger or
22 an agreement under [chapter 28E](#) should be implemented between
23 the Iowa school for the deaf in Council Bluffs and comparable
24 state programs in the state of Nebraska.

25 *b.* The general assembly has studied the plans, programs, and
26 fiscal analysis and has reviewed their impact on the programs.

27 *c.* The general assembly has enacted legislation authorizing
28 either the closing or the merger to take effect not sooner than
29 two years after the enactment of the legislation.

30 Sec. 20. Section 280.16, subsection 7, Code 2020, is amended
31 to read as follows:

32 7. The Iowa braille and sight saving school, the state Iowa
33 school for the deaf, and the institutions under the control of
34 the department of human services as provided in [section 218.1](#)
35 are exempt from the provisions of [this section](#).

1 Sec. 21. Section 299.18, Code 2020, is amended to read as
2 follows:

3 **299.18 Education of certain children who are deaf or hard of**
4 **hearing, blind, or have severe disabilities.**

5 Children who are of compulsory attendance age and who are
6 so deaf or hard of hearing, or blind, or have such severe
7 disabilities so as to be unable to obtain an education in the
8 public or accredited nonpublic schools shall be sent to the
9 appropriate state-operated school, or shall receive appropriate
10 special education under [chapter 256B](#), unless exempted, and
11 any person having such a child under the person's control or
12 custody shall see that the child attends the state-operated
13 school or special education program during the scholastic year.

14 Sec. 22. Section 299.19, Code 2020, is amended to read as
15 follows:

16 **299.19 Proceeding against parent.**

17 Upon the failure of a person having the custody and control
18 of a child who is blind, deaf or hard of hearing, or has severe
19 disabilities to require the child's attendance as provided in
20 section 299.18, the state board of regents may make application
21 to the district court or the juvenile court of the county in
22 which the person resides for an order requiring the person to
23 compel the attendance of the child at the proper state-operated
24 school.

25 Sec. 23. Section 299.22, Code 2020, is amended to read as
26 follows:

27 **299.22 When deaf or hard of hearing and blind children**
28 **excused.**

29 Attendance at the state-operated school may be excused when
30 the superintendent of the state-operated school certifies that
31 an interdisciplinary staffing team has determined, pursuant to
32 the requirements of [chapter 256B](#), that the child is efficiently
33 taught for the scholastic year in an accredited nonpublic or
34 other school devoted to the instruction, by a private tutor, in
35 the public schools, or is shown to be physically or mentally

1 unable to attend school under [section 299.5](#).

2 Sec. 24. Section 299.23, Code 2020, is amended to read as
3 follows:

4 **299.23 Agent of state board of regents.**

5 The state board of regents may employ an agent to aid in
6 the enforcement of law relative to the education of deaf or
7 hard-of-hearing children and blind children. The agent shall
8 seek out children who should be in attendance at the state
9 schools but who are not, and require such attendance. The
10 agent shall institute proceedings against persons who violate
11 the provisions of said law. The agent shall be allowed
12 compensation at a rate fixed by the board of regents, and
13 necessary traveling and hotel expenses while away from home in
14 the performance of duty.

15 Sec. 25. Section 331.381, subsection 9, Code 2020, is
16 amended to read as follows:

17 9. Comply with [chapters 269](#) and [270](#) in regard to the payment
18 of costs for pupils at the Iowa braille and sight saving school
19 and the Iowa school for the deaf.

20 Sec. 26. Section 331.502, subsection 15, Code 2020, is
21 amended to read as follows:

22 15. Carry out duties relating to the collection and payment
23 of funds for educating and supporting deaf and hard-of-hearing
24 students as provided in [sections 270.6](#) and [270.7](#).

25 Sec. 27. Section 331.552, subsection 13, Code 2020, is
26 amended to read as follows:

27 13. Make transfer payments to the state for school expenses
28 for blind and deaf and hard-of-hearing children and support of
29 persons with mental illness as provided in [sections 230.21](#),
30 [269.2](#), and [270.7](#).

31 Sec. 28. Section 477C.1, Code 2020, is amended to read as
32 follows:

33 **477C.1 Dual party relay service — purpose.**

34 The general assembly finds that the provision of a statewide
35 dual party relay service will further the public interest and

1 protect the health, safety, and welfare of the people of Iowa
2 through an increase in the usefulness and availability of the
3 telephone system. Many persons who are deaf, hard-of-hearing,
4 or have speech ~~impairments~~ disorders are not able to utilize
5 the telephone system without this type of service. Therefore,
6 it is the purpose of **this chapter** to enable the orderly
7 development, operation, promotion, and funding of a statewide
8 dual party relay service.

9 Sec. 29. Section 477C.2, subsections 2, 4, and 5, Code 2020,
10 are amended to read as follows:

11 2. "*Communication ~~impairment~~ disorder*" means the
12 inability to use the telephone for communication without a
13 telecommunications device for the deaf and hard of hearing.

14 4. "*Dual party relay service*" or "*relay service*" means a
15 communication service which provides ~~communication-impaired~~
16 persons with communication disorders access to the telephone
17 system functionally equivalent to the access available to
18 persons ~~not communication-impaired~~ without communication
19 disorders.

20 5. "*Telecommunications device for the deaf and hard of*
21 *hearing*" means any specialized or supplemental telephone
22 equipment used by ~~communication-impaired~~ persons with
23 communication disorders to provide access to the telephone
24 system.

25 Sec. 30. Section 477C.3, subsection 2, Code 2020, is amended
26 to read as follows:

27 2. The relay service, to the extent reasonably possible,
28 shall allow persons with communication ~~impairments~~ disorders to
29 use the telephone system in a manner and at a rate equivalent
30 to persons without communication ~~impairments~~ disorders.

31 Sec. 31. Section 477C.4, Code 2020, is amended to read as
32 follows:

33 **477C.4 Telecommunications devices for the deaf and hard of**
34 **hearing.**

35 With the advice of the council, the board may plan,

1 establish, administer, and promote a program to secure,
2 finance, and distribute telecommunications devices for the
3 deaf and hard of hearing. The board may establish eligibility
4 criteria for persons to receive telecommunications devices
5 for the deaf and hard of hearing, including, but not limited
6 to, requiring certification that the recipient cannot use the
7 telephone for communication without a telecommunications device
8 for the deaf and hard of hearing.

9 Sec. 32. Section 477C.5, subsection 2, paragraph a, Code
10 2020, is amended to read as follows:

11 a. Six consumers who have communication ~~impairments~~
12 disorders.

13 Sec. 33. Section 483A.24, subsection 7, Code 2020, is
14 amended to read as follows:

15 7. A license shall not be required of minor pupils of the
16 state school for the blind, ~~state~~ Iowa school for the deaf,
17 or of minor residents of other state institutions under the
18 control of an administrator of a division of the department
19 of human services. In addition, a person who is on active
20 duty with the armed forces of the United States, on authorized
21 leave from a duty station located outside of this state, and
22 a resident of the state of Iowa shall not be required to
23 have a license to hunt or fish in this state. The military
24 person shall carry the person's leave papers and a copy of
25 the person's current earnings statement showing a deduction
26 for Iowa income taxes while hunting or fishing. In lieu of
27 carrying the person's earnings statement, the military person
28 may also claim residency if the person is registered to vote
29 in this state. If a deer or wild turkey is taken, the military
30 person shall immediately contact a state conservation officer
31 to obtain an appropriate tag to transport the animal. A
32 license shall not be required of residents of county care
33 facilities or any person who is receiving supplementary
34 assistance under [chapter 249](#).

35 Sec. 34. CODE EDITOR'S DIRECTIVE. The Code editor

1 shall correct and eliminate any references to the term
2 "hearing impaired" or other forms of the term and shall
3 update references anywhere else in the Iowa Code, in any
4 bills awaiting codification, and in any bills enacted by the
5 Eighty-eighth General Assembly, 2020 Regular Session, or any
6 extraordinary session, in accordance with this Act.

7 Sec. 35. ADMINISTRATIVE CODE EDITOR DIRECTIVE. The
8 administrative rules coordinator and the administrative rules
9 review committee, in consultation with the administrative code
10 editor, shall jointly develop a schedule for the necessary
11 updating of the Iowa administrative code to update references
12 in accordance with this Act.