HOUSE FILE 2585
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 2396)

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

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

u. For sign language interpreting and transliterating, four members licensed to practice interpreting and transliterating, three of whom shall be practicing interpreters and transliterators at the time of appointment to the board and at least one of whom is employed in an educational setting; and three members who are consumers of interpreting or transliterating services as defined in section 154E.1, each of whom shall be deaf or hard of hearing.

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

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

excluding batteries and cords.

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

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

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

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

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

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

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

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

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

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

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

to read as follows:

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

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

262.43 Students residing on state-owned land.

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

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

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

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

follows:

270.1 Superintendent.

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

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

270.3 Admission.

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

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

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

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

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

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

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

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

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

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

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

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

7. The Iowa braille and sight saving school, the ~~state~~ Iowa school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

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

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

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

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

299.19 Proceeding against parent.

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

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

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

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

unable to attend school under section 299.5.

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

299.23 Agent of state board of regents.

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

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

9. Comply with chapters 269 and 270 in regard to the payment of costs for pupils at the Iowa braille and sight saving school and the Iowa school for the deaf.

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

15. Carry out duties relating to the collection and payment of funds for educating and supporting deaf and hard-of-hearing students as provided in sections 270.6 and 270.7.

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

13. Make transfer payments to the state for school expenses for blind and deaf and hard-of-hearing children and support of persons with mental illness as provided in sections 230.21, 269.2, and 270.7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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