

Introduced by

1 A BILL for an Act to create and enact twelve new sections to chapter 25-06 of the North Dakota
2 Century Code, relating to the provision of vocational rehabilitation services to individuals who
3 are blind or visually impaired by the North Dakota School for the blind; to amend and reenact
4 sections 25-06-02, 25-06-04, 25-06-09, and 50-06.1-01 of the North Dakota Century Code,
5 relating to the duties of the North Dakota school for the blind, qualifications for admission,
6 reporting duties, and the provision of vocational rehabilitation services; to repeal sections
7 25-06-07 and 50-06.1-13 of the North Dakota Century Code, relating to instruction at the North
8 Dakota School for the blind and licensure of vending facility operators who are blind; and to
9 provide a continuing appropriation.

10 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

11 **SECTION 1. AMENDMENT.** Section 25-06-02 of the 1999 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **25-06-02. ~~Object of school~~ School for the blind - Duties and responsibilities.**

- 14 1. The school for the blind is a statewide resource and referral center for the
15 provision of services to all residents of this state, including vision specific
16 consultations, evaluations, information, and training and loans of adaptive devices,
17 equipment, and materials. It shall receive and educate blind and partially blind
18 children who are residents of this state and who, because of this handicap, are not
19 able to receive an appropriate education in the public schools of this state who are
20 blind or visually impaired.
- 21 2. The school for the blind shall:
- 22 a. Collect and distribute information on vision service programs available in the
23 state.
- 24 b. Assist residents to access appropriate vision services.

- 1 c. Provide vision services, including vision-specific consultations, evaluations,
2 information, training, and loans of adaptive devices, equipment, and materials.
3 d. Receive and educate residents of this state who are blind or visually impaired
4 and who, because of being blind or visually impaired, are not able to receive
5 an appropriate education in the public schools of this state.
6 e. Provide instruction in general subjects and instruction in vision-specific
7 subjects, including orientation, mobility, braille, braille music, daily living skills,
8 technology, vocational training, and recreation.
9 3. For purposes of this chapter, a blind person is an individual who is totally blind or
10 whose central visual acuity does not exceed twenty/two hundred in the better eye
11 with corrective lenses, or the widest diameter of the visual field is no greater than
12 twenty degrees; and a visually impaired person is an individual with an impairment
13 in vision which, even with correction, adversely affects the individual's functional
14 ability.

15 **SECTION 2. AMENDMENT.** Section 25-06-04 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **25-06-04. Qualifications for admission to school for the blind - Residents of state**
18 **entitled to free education.** Applicants for admission to the school for the blind must be blind or
19 ~~partially blind~~ visually impaired and unable to make suitable progress in the public schools of
20 the state. The superintendent, with the approval of the superintendent of public instruction, may
21 determine the age required for admission. The superintendent shall furnish application blanks
22 upon request, and no person may be admitted to the institution until the application giving such
23 information as the superintendent of public instruction requires has been returned to and
24 approved by the superintendent of the school for the blind. An applicant admitted to the school
25 for the blind must be furnished transportation by the school as provided in the student's
26 individualized education program at the most economical rate possible, and yet meet the
27 student's needs. Each such applicant who is a resident of this state and who, because of
28 blindness and other ~~handicaps~~ disabilities is unable to receive an education in the public
29 schools, is entitled to receive an education in the school for the blind at the expense of the
30 state.

1 **SECTION 3. AMENDMENT.** Section 25-06-09 of the 1999 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **25-06-09. ~~Blind persons~~ Individuals who are blind - Duty to report.** ~~It is the duty of~~
4 ~~every~~ Each public school superintendent, physician, ophthalmologist, oculist, optometrist,
5 nurse, clinic, hospital, and social and welfare agency in this state ~~to~~ shall report in writing to the
6 superintendent of the North Dakota school for the blind the name, age, and residence of
7 ~~persons~~ any individual under the age of twenty-one years who ~~are~~ is blind within the definition
8 of blindness, as set forth in this ~~section~~ chapter, and ~~in such cases to~~ furnish ~~such~~
9 ~~pertinent~~ information as requested by the superintendent of the North Dakota school for the
10 blind ~~may request~~. All reports must be forwarded to the superintendent of the school for the
11 blind within thirty days after diagnosis, examination, or discovery. ~~For the purposes of this~~
12 ~~chapter, a blind person is defined as one who is totally blind or whose central visual acuity does~~
13 ~~not exceed twenty-two hundred in the better eye with corrective lenses, or the widest diameter~~
14 ~~of the visual field is no greater than twenty degrees.~~

15 **SECTION 4.** A new section to chapter 25-06 of the North Dakota Century Code is
16 created and enacted as follows:

17 **School for the blind - Acceptance of benefits of federal acts in the vocational**
18 **rehabilitation of individuals who are blind or visually impaired - Cooperation with federal**
19 **government.** This state accepts all the provisions and benefits of federal legislative acts to
20 assist states in providing for the vocational rehabilitation of individuals who are blind or visually
21 impaired, in accordance with state statutes and policies of the school for the blind. The school
22 for the blind shall comply with any conditions necessary to secure the full benefit of the acts.
23 The school for the blind shall cooperate pursuant to any agreement with the federal government
24 in carrying out the purposes of any federal acts pertaining to the vocational rehabilitation of
25 individuals who are blind or visually impaired and shall adopt methods of administration as
26 deemed necessary by the federal government for the proper and efficient operation of an
27 agreement.

28 **SECTION 5.** A new section to chapter 25-06 of the North Dakota Century Code is
29 created and enacted as follows:

30 **Custody and payment of vocational rehabilitation funds.** The school for the blind
31 shall administer all funds received from federal and state sources for the vocational

1 rehabilitation of blind or visually impaired individuals. All such moneys received must be placed
2 in the custody of the state treasurer and must be paid in accordance with legislative
3 appropriations by the office of management and budget, as directed by the school for the blind.

4 **SECTION 6.** A new section to chapter 25-06 of the North Dakota Century Code is
5 created and enacted as follows:

6 **School for the blind - Provision of vocational rehabilitation services.** The school
7 for the blind shall provide vocational rehabilitation services to individuals who are blind or
8 visually impaired. The school for the blind:

- 9 1. Shall adopt rules governing personnel standards, the protection of records and
10 confidential information, the manner and form of filing applications, the manner of
11 investigating and determining whether individuals who are blind or visually
12 impaired are eligible for vocational rehabilitation services, procedures for fair
13 hearings, and any other matters necessary to carry out the purpose of this chapter.
- 14 2. Shall employ personnel to deliver vocational rehabilitation services to individuals
15 who are blind or visually impaired.
- 16 3. Shall prepare annual reports of activities and expenditures and, before each
17 regular session of the legislative assembly, estimates of sums required for carrying
18 out the provisions of this chapter relating to the vocational rehabilitation of
19 individuals who are blind or visually impaired, and estimates of the amounts to be
20 made available for this purpose from all sources.
- 21 4. Shall make certification for disbursement, in accordance with regulations, of funds
22 available for the vocational rehabilitation of individuals who are blind or visually
23 impaired.
- 24 5. Shall take any action necessary to carry out the provisions of this chapter relating
25 to the vocational rehabilitation of individuals who are blind or visually impaired.
- 26 6. Shall appoint advisory committees with emphasis on consumer participation as
27 deemed necessary for compliance with any federal act pertaining to the vocational
28 rehabilitation of individuals who are blind or visually impaired or for carrying out the
29 duties set forth in this chapter.

30 **SECTION 7.** A new section to chapter 25-06 of the North Dakota Century Code is
31 created and enacted as follows:

1 **Administration of vocational rehabilitation - Services to individuals who are blind**
2 **or visually impaired.** The school for the blind shall provide vocational rehabilitation services to
3 individuals who are blind or visually impaired and who are determined to be eligible for the
4 services. In carrying out this chapter, the school for the blind may:

- 5 1. Cooperate with public and private entities in providing for the vocational
6 rehabilitation of individuals who are blind or visually impaired, in studying the
7 problems involved in providing for the vocational rehabilitation of individuals who
8 are blind or visually impaired, and in establishing, developing, and providing
9 programs, facilities, and services as necessary or desirable.
- 10 2. Enter into reciprocal agreements with other states for the provision of vocational
11 rehabilitation to individuals who are blind or visually impaired and who are
12 residents of other states.
- 13 3. Conduct research and compile statistics relating to the vocational rehabilitation of
14 individuals who are blind or visually impaired.

15 **SECTION 8.** A new section to chapter 25-06 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Vocational rehabilitation services to individuals who are blind or visually**
18 **impaired - Eligibility.** The school for the blind shall provide vocational rehabilitation services
19 to individuals who are blind or visually impaired provided:

- 20 1. The school for the blind determines that vocational rehabilitation can be
21 satisfactorily achieved; or
- 22 2. The school for the blind determines that the individual is eligible for such services
23 under the terms of an agreement with another state or with the federal government.

24 **SECTION 9.** A new section to chapter 25-06 of the North Dakota Century Code is
25 created and enacted as follows:

26 **Vocational rehabilitation services to individuals who are blind or visually**
27 **impaired - Financial assistance.** Except as may be otherwise provided by law or as may be
28 specified in any agreement with another state or with the federal government, the school for the
29 blind shall provide vocational rehabilitation services to individuals who are blind or visually
30 impaired at public cost if the individuals are found to require financial assistance.

1 **SECTION 10.** A new section to chapter 25-06 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Gifts - Authorization to accept and use.** The school for the blind may accept and use
4 gifts made unconditionally by will or otherwise for carrying out the purposes of this chapter.
5 Gifts made under such conditions as in the judgment of the school for the blind are proper and
6 consistent with this chapter may be accepted and must be held, invested, and reinvested, and
7 used in accordance with the conditions of the gift.

8 **SECTION 11.** A new section to chapter 25-06 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Maintenance - Nontransferable - Nonassignable.** The right of an individual who is
11 blind or visually impaired to vocational rehabilitation maintenance services available under this
12 chapter is not transferable or assignable.

13 **SECTION 12.** A new section to chapter 25-06 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Aggrieved individuals - Right to hearing.** If any individual who is blind or visually
16 impaired applies for or receives vocational rehabilitation under this chapter and is aggrieved by
17 any action or inaction of the school for the blind, the individual is entitled, in accordance with
18 rules, to a fair hearing by the superintendent of public instruction.

19 **SECTION 13.** A new section to chapter 25-06 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Establishment of rehabilitation teaching program - Authorization of positions.**
22 Notwithstanding any other provisions of law, the school for the blind may employ two full-time
23 teachers, one half-time teacher, and one half-time supervisor for the rehabilitation of individuals
24 who are blind or visually impaired. Each teacher shall provide rehabilitation teaching services
25 that may include evaluation, counseling, adjustment training, communication, mobility, and
26 other rehabilitation services to individuals who are blind or visually impaired. Those services
27 must be provided in the home of an individual who is blind or visually impaired, or in a nursing
28 home, intermediate care facility, senior citizen center, or any other facility or center in which one
29 may find individuals who are blind or visually impaired. Rehabilitation teachers may provide
30 aids and appliances as well as assistance with meal planning, medication management,
31 transportation needs, and recreation and social needs. Rehabilitation teachers may provide

1 orientation to blindness instruction to any individuals, including home health aides,
2 homemakers, senior companions, the staff of nursing homes, other professionals,
3 paraprofessionals, and family members who work directly with or who are otherwise involved in
4 the daily activities of individuals who are blind or visually impaired.

5 **SECTION 14.** A new section to chapter 25-06 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Cooperation between agencies.** The school for the blind shall work cooperatively with
8 other state agencies to locate eligible clients and to identify and provide them with the services
9 available under this chapter.

10 **SECTION 15.** A new section to chapter 25-06 of the North Dakota Century Code is
11 created and enacted as follows:

12 **Operators of vending facilities - Licensure - Continuing appropriation of income.**

13 The school for the blind shall act as the state licensing agency to license operators of vending
14 facilities on federal property within the state to the extent permitted or required by the
15 Randolph-Sheppard Act [Pub. L. 74-732; 20 U.S.C. 107]. The school for the blind may take any
16 action, consistent with the provisions of that Act, for the purpose of providing blind persons with
17 remunerative employment, enlarging the economic opportunities of the blind, and stimulating
18 the blind to greater efforts in striving to make themselves self-supporting. If there is no blind
19 licensee operating a vending facility on federal property, the school for the blind may operate or
20 contract for the operation of a vending facility, provided that all income from the vending facility
21 is distributed in a manner consistent with the requirements of the Randolph-Sheppard Act.

22 There is appropriated to the school for the blind on a continuing basis all income from vending
23 facilities that the school for the blind operates, or contracts to operate, consistent with the
24 requirements of the Randolph-Sheppard Act and the regulations and policies of the United
25 States secretary of education, promulgated thereunder, for the purposes of:

- 26 1. Maintenance and replacement of equipment.
- 27 2. The purchase of new equipment.
- 28 3. Management services.
- 29 4. Assurance of a fair minimum return to operators of vending facilities.
- 30 5. Retirement or pension funds, health insurance contributions, and provision for paid
31 sick leave and vacation time, if it is determined by a majority vote of blind licensees

1 licensed by the superintendent, after receiving from the superintendent of public
2 instruction full information on all matters relevant to the proposed use, that the
3 income should be so used.

4 **SECTION 16. AMENDMENT.** Section 50-06.1-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-06.1-01. Definitions.** In this chapter, unless the context or subject matter otherwise
7 requires:

- 8 1. "Department" means the North Dakota department of human services.
- 9 2. "Division" means the vocational rehabilitation division.
- 10 3. "Division executive director" means the director of the vocational rehabilitation
11 division.
- 12 4. "Rules" means rules adopted by the division executive director with the approval of
13 the executive director of the department.
- 14 5. "Vocational rehabilitation" means the provision of nonmedical services necessary
15 to restore a disabled individual, as nearly as possible, to substantial gainful
16 employment. The term does not include the provision of vision services to
17 individuals who are blind or visually impaired.

18 **SECTION 17. REPEAL.** Sections 25-06-07 and 50-06.1-13 of the North Dakota
19 Century Code are repealed.

NOTE: North Dakota Century Code Chapter 50-06.1 relates to vocational rehabilitation and the provision of services by the Department of Human Services. This bill draft provides a definition of vocational rehabilitation to clarify that all vocational rehabilitation services except vision services will continue to be provided by the Department of Human Services. It then parallels the phraseology of Chapter 50-06.1 for the purpose of giving the School for the Blind the authority to provide vocational rehabilitation services to individuals who are blind or visually impaired.