

SENATE BILL No. 390

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-12-2; IC 22-9-11.

Synopsis: Employment of individuals with disabilities. Adds the commissioner of the department of workforce development, the state superintendent of public instruction, and the director of the division of mental health and addiction as ex officio members of the commission on rehabilitation services (commission). Adds the following to the commission's duties: (1) Establish baseline data regarding the number of individuals with disabilities in competitive and integrated employment and set annual goals for increasing the percentage of individuals with disabilities in competitive and integrated employment. (2) Identify and resolve barriers to employment for individuals with disabilities. (3) Analyze federal, state, and local agency policies concerning the provision of services to individuals with disabilities, including the impact of those policies on opportunities for competitive and integrated employment, and recommend changes to state policies. (4) Assist state agencies in the implementation of the policy concerning employment opportunities for individuals with disabilities. (5) Provide an annual report to the governor and the rehabilitation services administration commissioner concerning the employment of individuals with disabilities. Provides that the policy (policy) of the state is to promote competitive and integrated employment, including self-employment, as the first and preferred option when providing services to individuals with disabilities who are of working age. Provides that the policy applies to programs and agencies that provide services and support to help obtain employment for individuals with disabilities. Requires state agencies to implement the policy in a manner that is consistent with an individual's right to make an informed
(Continued next page)

Effective: July 1, 2017.

Stoops

January 10, 2017, read first time and referred to Committee on Pensions and Labor.



Digest Continued

choice about employment options that meet an individual's needs and preferences. Provides that the primary objective and preferred outcome of transition services provided as part of a special education program or related services to a child with a disability who is at least 14 years of age is to assist the child in obtaining competitive and integrated employment.



Introduced

First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 390

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-12-2-3, AS AMENDED BY P.L.141-2006,
2 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 3. (a) The commission consists of at least ~~fourteen~~
4 **(14) seventeen (17)** members appointed by the governor as follows:
5 (1) Three (3) members representing advocacy groups for:
6 (A) individuals with:
7 (i) physical;
8 (ii) cognitive;
9 (iii) sensory; and
10 (iv) mental;
11 disabilities; or
12 (B) parents, guardians, or advocates of individuals with
13 disabilities who have difficulty or who are unable to represent
14 themselves.
15 (2) At least one (1) member representing current or former



- 1 applicants for vocational rehabilitation services or recipients of
 2 vocational rehabilitation services.
- 3 (3) At least one (1) representative of the statewide Independent
 4 Living Council.
- 5 (4) At least one (1) representative of a parent training and
 6 information center established by the individuals with disabilities
 7 education act.
- 8 (5) At least one (1) representative of the Indiana protection and
 9 advocacy services agency.
- 10 (6) At least one (1) representative of community rehabilitation
 11 program service providers.
- 12 (7) Four (4) representatives of business, industry, and labor.
- 13 (8) The director of the division of disability and rehabilitative
 14 services shall serve as an ex officio member.
- 15 (9) A vocational rehabilitation counselor shall serve as an ex
 16 officio nonvoting member.
- 17 **(10) The commissioner of the department of workforce**
 18 **development or the commissioner's designee shall serve as an**
 19 **ex officio member.**
- 20 **(11) The state superintendent of public instruction or the state**
 21 **superintendent's designee shall serve as an ex officio member.**
- 22 **(12) The director of the division of mental health and**
 23 **addiction or the director's designee shall serve as an ex officio**
 24 **member.**
- 25 (b) Not more than ~~seven (7)~~ **nine (9)** members of the commission
 26 may be from the same political party.
- 27 (c) At least fifty-one percent (51%) of the commission must be
 28 persons with disabilities who are not employees of the division of
 29 disability and rehabilitative services.
- 30 SECTION 2. IC 12-12-2-7, AS AMENDED BY P.L.141-2006,
 31 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2017]: Sec. 7. The commission shall do the following:
- 33 (1) Advise the division concerning the division's performance in
 34 the following areas:
- 35 (A) Eligibility and order of selection.
- 36 (B) Scope, extent, and effectiveness of services.
- 37 (C) Functions of state agencies in addition to vocational
 38 rehabilitation affecting individuals in achieving rehabilitation
 39 goals.
- 40 **(2) Coordinate the development and implementation of a**
 41 **statewide plan to provide competitive and integrated**
 42 **employment, including self-employment, as the first and**



1 preferred option when providing services to individuals with
2 disabilities, including the following:

3 (A) Establish baseline data regarding the number of
4 individuals in competitive and integrated employment and
5 set annual goals for increasing the percentage of
6 individuals with disabilities in competitive and integrated
7 employment.

8 (B) Identify and resolve barriers to employment for
9 individuals with disabilities.

10 (C) Analyze federal, state, and local agency policies
11 concerning the provision of services to individuals with
12 disabilities, including the impact of those policies on
13 opportunities for competitive and integrated employment,
14 and recommend changes to state policies to comply with
15 IC 22-9-11.

16 (D) Assist state agencies in the implementation of
17 IC 22-9-11, including the changes recommended under
18 clause (C).

19 (2) (3) Advise the secretary of family and social services and the
20 division of disability and rehabilitative services concerning the
21 state plan, applications, and the strategic plan.

22 (3) (4) Review and analyze the effectiveness and consumer
23 satisfaction with the functions of the agencies dealing with
24 persons with disabilities and with vocational rehabilitation
25 services.

26 (4) (5) Prepare and submit an annual report to the governor and
27 the rehabilitation services administration commissioner ~~on~~ **not**
28 **later than October 1 each year concerning:**

29 (A) the status of vocational rehabilitation programs in Indiana;

30 (B) the progress in achieving the goals established under
31 subdivision (2)(A);

32 (C) the implementation of IC 22-9-11; and

33 (D) any recommendations, including suggested legislation,
34 concerning the employment of individuals with disabilities.

35 (5) (6) Coordinate with other councils in Indiana.

36 (6) (7) Advise and provide for coordination and working
37 relationships between the state agency and the Independent
38 Living Council and Independent Living centers.

39 SECTION 3. IC 22-9-11 IS ADDED TO THE INDIANA CODE AS
40 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
41 1, 2017]:

42 **Chapter 11. Employment Opportunities for Individuals With**



1 **Disabilities**

2 **Sec. 1. As used in this chapter, "competitive employment"**
 3 **means work that is performed on a full-time or part-time basis for**
 4 **which an individual with a disability is compensated:**

- 5 (1) **at or above the minimum wage; and**
 6 (2) **not less than the customary wages and benefits provided**
 7 **by an employer for the same or similar work performed by an**
 8 **individual who does not have a disability.**

9 **Sec. 2. As used in this chapter, "individual with a disability" or**
 10 **"individuals with disabilities" has the meaning set forth in section**
 11 **3 of the federal Workforce Innovation and Opportunity Act of**
 12 **2014 (29 U.S.C. 3101 et seq.).**

13 **Sec. 3. As used in this chapter, "informed choice" means the**
 14 **process by which an individual chooses from all available options**
 15 **following the receipt of appropriate information, experience, and**
 16 **knowledge obtained through the following activities:**

- 17 (1) **Reviewing information about the benefits of working in an**
 18 **integrated employment setting.**
 19 (2) **Completing vocational and situational assessments, career**
 20 **development planning, and discovery experiences in**
 21 **integrated employment settings.**
 22 (3) **Arranging for and receiving peer-to-peer mentoring.**
 23 (4) **Taking facility visits.**
 24 (5) **Conducting job exploration, interest inventories, and work**
 25 **experiences in integrated job settings.**
 26 (6) **Receiving benefits counseling and access to benefits plans**
 27 **for the purpose of learning the impact of competitive work on**
 28 **an individual's public benefits.**

29 **Sec. 4. As used in this chapter, "integrated employment" means**
 30 **a work setting located in the community in which an individual**
 31 **with a disability interacts with individuals who are not service**
 32 **providers and do not have a disability to the same extent that an**
 33 **individual in a comparable position who does not have a disability**
 34 **interacts with individuals who are not service providers and do not**
 35 **have a disability.**

36 **Sec. 5. As used in this chapter, "self-employment" means a**
 37 **business, profession, or trade owned by an individual and through**
 38 **which the individual earns income directly through the individual's**
 39 **own efforts and not as an employee of a business, profession, or**
 40 **trade owned by another person.**

41 **Sec. 6. (a) As used in this chapter, "state agency" means an**
 42 **authority, a board, a branch, a commission, a committee, a**



1 department, a division, or another instrumentality of the executive,
2 including the administrative department of state government,
3 including the following:

4 (1) A state elected official's office.

5 (2) A state educational institution.

6 (3) A body corporate and politic of the state created by state
7 statute.

8 (b) The term does not include the judicial or legislative
9 department of state government.

10 Sec. 7. As used in this chapter, "transition services" has the
11 meaning set forth in 20 U.S.C. 1401(34).

12 Sec. 8. (a) It is the policy of the state to promote competitive and
13 integrated employment, including self-employment, as the first and
14 preferred option when providing services to an individual with
15 disabilities who is of working age, regardless of the nature or the
16 severity of the individual's disability. The policy applies to
17 programs and agencies that provide services and support to help
18 obtain employment for individuals with disabilities.

19 (b) State agencies shall follow the policy described in subsection
20 (a) and ensure that the policy is implemented effectively in the state
21 agencies' programs and services. State agencies shall implement
22 the policy in a manner that is consistent with an individual's right
23 to make an informed choice about employment options that meet
24 an individual's needs and preferences.

25 Sec. 9. (a) This section applies to transition services provided as
26 part of a special education program or related services to a child
27 with a disability who is at least fourteen (14) years of age.

28 (b) The primary objective and preferred outcome of providing
29 the services described in subsection (a) is to assist the child in
30 obtaining competitive and integrated employment.

31 Sec. 10. (a) State agencies shall coordinate efforts and
32 collaborate within and among the agencies to ensure that state
33 programs, policies, procedures, and funding support competitive
34 and integrated employment of individuals with disabilities.

35 (b) Whenever feasible, state agencies shall share data and
36 information to track progress toward the implementation of this
37 chapter.

38 (c) State agencies may adopt rules under IC 4-22-2 to implement
39 this chapter.

40 Sec. 11. This chapter may be cited as the Indiana Employment
41 24 First Act.

