

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 ENROLLED ACT No. 390

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

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

SECTION 1. IC 12-12-2-3, AS AMENDED BY P.L.141-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The commission consists of at least ~~fourteen~~ **(14) eighteen (18)** members appointed by the governor as follows:

(1) ~~Three (3)~~ **members representing advocacy groups for:**

(A) ~~individuals with:~~

(i) ~~physical;~~

(ii) ~~cognitive;~~

(iii) ~~sensory; and~~

(iv) ~~mental;~~

~~disabilities; or~~

(B) ~~parents, guardians, or advocates of individuals with disabilities who have difficulty or who are unable to represent themselves.~~

(1) **At least one (1) representative of a statewide consumer organization of people with disabilities.**

(2) **At least one (1) representative of a statewide organization that advocates for people with intellectual and other developmental disabilities.**

(3) **At least one (1) representative of a statewide organization that advocates for people with a diagnosis of a mental illness or addiction.**

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~~(2)~~ **(4)** At least one (1) member representing current or former applicants for ~~vocational rehabilitation services~~ or recipients of vocational rehabilitation services.

~~(3)~~ **(5)** ~~At least one (1) representative~~ **The chairperson** of the statewide Independent Living Council **or the chairperson's designee.**

~~(4)~~ **(6)** At least one (1) representative of a parent training and information center established by the individuals with disabilities education act.

~~(5)~~ **(7)** ~~At least one (1) representative of the Indiana protection and~~ **The director of the client assistance program administered by the Indiana protection and advocacy services commission under IC 12-28-1-12, or a representative recommended by the director of the client assistance program.** ~~advocacy services agency.~~

~~(6)~~ **(8)** At least one (1) representative of community rehabilitation program service providers.

~~(7)~~ **(9)** Four (4) representatives of business, industry, and labor.

~~(8)~~ **(10)** The director of the ~~division of disability and rehabilitative~~ **rehabilitation services bureau** ~~services shall serve who serves~~ as an ex officio **nonvoting** member.

~~(9)~~ **(11)** A vocational rehabilitation counselor shall serve as ~~an ex officio~~ **a nonvoting** member.

(12) **A representative of a local workforce development board.**

(13) **A representative of the department of education.**

(14) **At least one (1) member who is a representative of the division of mental health and addiction who serves as a nonvoting member.**

(15) **At least one (1) member who is a representative of the bureau of developmental disabilities services who serves as a nonvoting member.**

(b) Not more than ~~seven (7)~~ **nine (9)** members of the commission may be from the same political party.

(c) At least fifty-one percent (51%) of the commission must be persons with disabilities who are not employees of the ~~division of disability and rehabilitative services;~~ **rehabilitation services bureau.**

SECTION 2. IC 12-12-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A member of the commission serves a term ~~of not to exceed~~ three (3) years.

(b) ~~Except for the director of the client assistance program or a representative recommended by the client assistance program,~~ a member may not serve more than ~~two (2)~~ **six (6)** consecutive ~~terms.~~



years.

(c) The governor shall:

- (1) specify the terms of service for each appointed member of the commission based on the commission's recommendations; and**
- (2) vary the terms of service to ensure that the members' terms expire on a staggered basis.**

SECTION 3. IC 12-12-2-7, AS AMENDED BY P.L.141-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. The commission shall do the following:

(1) Advise the ~~division~~ **rehabilitation services bureau** concerning the ~~division's bureau's~~ performance in the following areas:

- (A) Eligibility and order of selection.
- (B) Scope, extent, and effectiveness of services.
- (C) Functions of state agencies in addition to vocational rehabilitation affecting individuals in achieving rehabilitation goals.

(2) Advise the ~~secretary of family and social services and the division of disability and rehabilitative services~~ **and the rehabilitation services bureau** concerning the state plan, applications, and the strategic plan.

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

(4) Prepare and submit an annual report to the governor and the rehabilitation services administration commissioner ~~on~~ **in accordance with federal requirements concerning:**

- (A) the status of vocational rehabilitation programs in Indiana; and**
- (B) recommendations concerning the implementation and progress toward advancing competitive integrated employment for individuals with disabilities as described in IC 22-9-11.**

(5) Coordinate with other councils in Indiana.

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

(7) Develop a statewide plan to support the advancement of competitive integrated employment, including self-employment, as the first and preferred option when



providing services to individuals with disabilities. The plan, at a minimum, must include the following:

- (A) Identification of barriers to employment for individuals with disabilities.
- (B) An analysis of 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 integrated employment.
- (C) Recommendations to advance competitive integrated employment for individuals with disabilities.

SECTION 4. IC 22-9-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 11. Employment Opportunities for Individuals With Disabilities

Sec. 1. As used in this chapter, "competitive integrated employment" has the meaning set forth in 34 CFR 361.5(c)(9).

Sec. 2. As used in this chapter, "individual with a disability" or "individuals with disabilities" has the meaning set forth in 34 CFR 361.5(c)(27).

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

- (1) Reviewing information about the benefits of working in an integrated employment setting.
- (2) Completing vocational and situational assessments, career development planning, and discovery experiences in integrated employment settings.
- (3) Arranging for and receiving peer-to-peer mentoring.
- (4) Conducting job exploration, interest inventories, and work experiences in integrated job settings.
- (5) Receiving benefits counseling and access to benefits plans for the purpose of learning the impact of competitive work on an individual's public benefits.
- (6) Working in alternative work environments that allow an individual with a disability to remain attached to the workforce in some capacity while addressing barriers to competitive integrated employment.

Sec. 4. As used in this chapter, "self-employment" means a business, profession, or trade owned by an individual and through which the individual earns income directly through the individual's



own efforts and not as an employee of a business, profession, or trade owned by another person.

Sec. 5. (a) As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative department of state government, including the following:

- (1) A state elected official's office.
- (2) A state educational institution.
- (3) A body corporate and politic of the state created by state statute.

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

Sec. 6. As used in this chapter, "transition services" has the meaning set forth in 20 U.S.C. 1401(34).

Sec. 7. (a) It is the policy of the state to advance competitive integrated employment, including self-employment, as the first and preferred option when providing services to an individual with disabilities who is of working age, regardless of the nature or the severity of the individual's disability. The policy applies to programs and agencies that provide services and support to help obtain employment for individuals with disabilities.

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

Sec. 8. (a) This section applies to transition services provided as part of a special education program or related services to a child with a disability who is at least fourteen (14) years of age.

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

Sec. 9. (a) State agencies shall coordinate efforts and collaborate within and among the agencies to ensure that state programs, policies, procedures, and funding support competitive and integrated employment of individuals with disabilities.

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

(c) State agencies may adopt rules under IC 4-22-2 to implement



this chapter.

Sec. 10. This chapter may be cited as the Indiana Employment First Act.

SECTION 5. [EFFECTIVE JULY 1, 2017] (a) As used in this SECTION, "commission" refers to the commission on rehabilitation services established by IC 12-12-2-2.

(b) The terms of the members of the commission serving on June 30, 2017, expire July 1, 2017.

(c) The governor shall appoint the members of the commission in accordance with IC 12-12-2-3, as amended by this act.

(d) The governor shall establish the initial term of office for each member appointed under subsection (c) in accordance with IC 12-12-2-4, as amended by this act.

(e) The initial terms for members of the commission appointed under subsection (c) begin July 1, 2017.

(f) This SECTION expires July 1, 2020.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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