

SENATE BILL 934

F5

3lr3021
CF HB 1222

By: **Senators Zucker and Guzzone**

Introduced and read first time: February 16, 2023

Assigned to: Rules

Re-referred to: Budget and Taxation, March 3, 2023

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Department of Education – Division of Rehabilitation Services – Funding**
3 **and Staffing**

4 FOR the purpose of ~~requiring~~ authorizing the Governor to include in the annual budget bill
5 certain appropriations to the Division of Rehabilitation Services in the State
6 Department of Education in accordance with certain federal acts and to employ
7 certain staff; and generally relating to the Division of Rehabilitation Services.

8 BY repealing and reenacting, with amendments,

9 Article – Education

10 Section 21–301, 21–302, 21–303, 21–304(c), 21–305(a), 21–307, 21–308, 21–309(a),
11 and 21–310

12 Annotated Code of Maryland

13 (2022 Replacement Volume)

14 BY adding to

15 Article – Education

16 Section 21–304(d)

17 Annotated Code of Maryland

18 (2022 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Education

2 21–301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “Disability” means any defect or infirmity that may incapacitate an individual
5 totally or partially for gainful employment or independent living.6 (c) **“DIVISION” MEANS THE DIVISION OF REHABILITATION SERVICES OF**
7 **THE STATE DEPARTMENT OF EDUCATION.**

8 (D) “Federal acts” means the rehabilitation acts of the United States Congress.

9 [(d)] (E) “Rehabilitation” means the process of enabling a disabled individual to
10 become gainfully employed and to function more independently.

11 21–302.

12 (a) The State of Maryland assents to the federal acts.

13 (b) The State Treasurer shall:

14 (1) Be the custodian of any money received under the federal acts; and

15 (2) Disburse this money in accordance with the federal acts.

16 (c) The State Board of Education shall:

17 (1) Cooperate with the appropriate federal agencies in administering the
18 federal acts; and

19 (2) Do anything necessary to secure the benefits of the federal acts.

20 (D) (1) **IN THIS SUBSECTION, “STATE MATCH AMOUNT” MEANS THE**
21 **AMOUNT OF THE STATE’S SHARE OF FUNDING REQUIRED UNDER THE FEDERAL**
22 **ACTS, INCLUDING ANY ADJUSTMENTS BASED ON AN INCREASE IN THE CONSUMER**
23 **PRICE INDEX, TO ENSURE THERE IS NO REDUCTION IN THE STATE’S FEDERAL**
24 **SHARE OF FUNDING UNDER THE FEDERAL ACTS.**25 (2) ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE~~ **THE**
26 **GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND**
27 **APPROPRIATION IN AN AMOUNT EQUAL TO THE STATE MATCH AMOUNT FOR THE**
28 **DIVISION.**

1 ~~(3) FOR EACH FISCAL YEAR, THE STATE MATCH AMOUNT MAY NOT BE~~
2 ~~LESS THAN THE GREATER OF:~~

3 ~~(I) THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR~~
4 ~~THE DIVISION IN THE IMMEDIATELY PRECEDING FISCAL YEAR; OR~~

5 ~~(II) 21.3% OF THE TOTAL FUNDING PROVIDED UNDER THE~~
6 ~~FEDERAL ACTS.~~

7 21-303.

8 (a) There is an Employment Program Fund in the Division [of Rehabilitation
9 Services in the State Department of Education].

10 (b) Funds for the Employment Program Fund established under this section shall
11 be included in the budget of the Division [of Rehabilitation Services in the State
12 Department of Education].

13 (c) A community rehabilitation and employment agency accredited by the
14 Division [of Rehabilitation Services in the State Department of Education] is eligible to
15 receive funds available in the Employment Program Fund established under this section.

16 (d) The Division [of Rehabilitation Services] may contract with nonprofit
17 rehabilitation and employment agencies to provide the funds established under this section
18 for:

19 (1) Supported employment placements;

20 (2) Competitive work placements; or

21 (3) Transitional employment.

22 (e) The Division [of Rehabilitation Services] shall adopt regulations to implement
23 the provisions of this section.

24 21-304.

25 (c) **(1)** The State Department of Education shall, in addition to licensing
26 vending facility managers in federal buildings in this State under § 21-302(c) of this
27 subtitle pursuant to the federal acts, license blind persons to manage vending facilities in
28 all State, county, and municipal buildings and in all privately owned buildings and
29 premises in this State in the event of contract with such person.

1 **(2)** The Division [of Rehabilitation Services in the State Department of
2 Education] shall be the licensing agency for all vending facilities within this State licensed
3 under this subtitle.

4 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING IN**
5 **FISCAL YEAR 2025, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE ANNUAL BUDGET**
6 **BILL AN APPROPRIATION IN AN AMOUNT SUFFICIENT TO EMPLOY ~~74~~ ADDITIONAL**
7 **STAFF MEMBERS IN THE DIVISION.**

8 **(2) THE ~~74~~ ADDITIONAL STAFF MEMBERS ~~REQUIRED~~ PROVIDED**
9 **UNDER THIS SUBSECTION SHALL PERFORM DUTIES IN THE DIVISION'S VOCATIONAL**
10 **REHABILITATION PROGRAM THAT INCLUDE:**

11 **(I) REDUCING THE WAITLIST FOR PARTICIPATION IN THE**
12 **PROGRAM;**

13 **(II) REDUCING THE CASELOADS OF THE PROGRAM'S**
14 **COUNSELORS; AND**

15 **(III) EXPANDING TRAINING AND SERVICES IN**
16 **COMMUNITY-BASED SETTINGS, INCLUDING TRAINING AND SERVICES OFFERED AT**
17 **THE DIVISION'S WORKFORCE AND TECHNOLOGY CENTER.**

18 21-305.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) ["Division" means the Division of Rehabilitation Services within the
21 Maryland State Department of Education.

22 (3) "Transition services" means a coordinated set of activities for a student
23 with a disability who meets the definition of a transitioning student that promotes
24 movement from school to postschool activities, including postsecondary education,
25 vocational training, integrated employment, supported employment, adult services,
26 independent living, and community participation.

27 **[(4) (3) "Transitioning student" means a student with a disability who is**
28 **between the ages of 14 and 21 years who meets the eligibility criteria of the federal**
29 **Individuals with Disabilities Education Act or § 7 of the federal Rehabilitation Act.**

30 21-307.

31 (a) The State Board of Education and the State Workers' Compensation
32 Commission shall administer jointly the program established in this section.

1 (b) The State Workers' Compensation Commission:

2 (1) Shall establish a rehabilitation program;

3 (2) May employ the necessary rehabilitation counselors and clerical staff
4 to review all reports and claims;

5 (3) Shall select from the reports and claims filed with it those for which
6 rehabilitation services appear to be appropriate;

7 (4) After proper investigation, shall refer appropriate cases to the Division
8 [of Rehabilitation Services];

9 (5) On request of the Division [of Rehabilitation Services], shall make
10 available to the Division a complete medical evaluation, including a prognosis of work
11 potential of any worker whose case it refers to the Division; and

12 (6) Shall pay the salaries of the employees of the workers' compensation
13 rehabilitation program and all necessary expenses incurred:

14 (i) In investigating and reviewing all reports and claims; and

15 (ii) For supplies, furniture, and office space.

16 21-308.

17 Any report, record, memorandum, action, or finding of the Division [of Rehabilitation
18 Services] may not be referred to in any way or be received as evidence in any civil
19 proceeding before any agency or court, except under the rules and regulations adopted by
20 the State Board of Education, under this subtitle.

21 21-309.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "Business entity" means:

24 (i) A person conducting or operating a trade or business in
25 Maryland; or

26 (ii) An organization operating in Maryland that is exempt from
27 taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

28 (3) ["Division" means the Division of Rehabilitation Services of the
29 Maryland State Department of Education.

1 (4)] “Qualified child care or transportation expenses” means:

2 (i) State regulated child care expenses that are incurred by a
3 business entity to enable a qualified employee with a disability to be gainfully employed;
4 or

5 (ii) Transportation expenses that are incurred by a business entity
6 to enable a qualified employee with a disability to travel to and from work.

7 **[(5)] (4)** (i) “Qualified employee with a disability” means an
8 individual who:

9 1. Meets the definition of an individual with a disability as
10 defined by the Americans with Disabilities Act;

11 2. Has a disability that presently constitutes an impediment
12 to obtaining or maintaining employment or to transitioning from school to work;

13 3. Is ready for employment; and

14 4. Has been determined by the Division or the Maryland
15 Department of Labor, in consultation with the Division, as having met the criteria of a
16 qualified employee with a disability established under this section.

17 (ii) “Qualified employee with a disability” includes:

18 1. An individual who has been determined by the Maryland
19 Department of Labor, in consultation with the United States Veterans Administration, as
20 having been discharged or released from active duty in the armed forces of the United
21 States for a service-connected disability; and

22 2. Any other individual meeting the definition of
23 subparagraph (i) of this paragraph, whether or not the individual receives services from
24 the Division.

25 **[(6)] (5)** “Wages” means wages, within the meaning of § 51(c)(1), (2), and
26 (3) of the Internal Revenue Code without regard to § 51(c)(4) of the Internal Revenue Code
27 that are paid by a business entity to an employee for services performed in a trade or
28 business of the employer.

29 21–310.

30 (a) (1) In this section the following words have the meanings indicated.

31 (2) [“DORS” means the Division of Rehabilitation Services in the State
32 Department of Education.

1 (3) “DORS] **“DIVISION consumer”** means an individual determined
2 eligible for rehabilitation services under § 21–306 of this subtitle who is placed by [DORS]
3 **THE DIVISION** in an unpaid work–based learning experience.

4 [(4)] (3) “Unpaid work–based learning experience” means a program that
5 provides a [DORS] **DIVISION** consumer with structured employer–supervised learning
6 that:

7 (i) Occurs in the workplace;

8 (ii) Links with an individualized plan for employment;

9 (iii) Is coordinated by a [DORS] **DIVISION** rehabilitation specialist;

10 and

11 (iv) Is conducted in accordance with the terms of an individual
12 written work–based learning experience agreement between [DORS] **DIVISION** and the
13 employer of that participating [DORS] **DIVISION** consumer.

14 (b) A [DORS] **DIVISION** consumer who is placed with an employer in an unpaid
15 work–based learning experience is a covered employee of that employer, as defined in Title
16 9 of the Labor and Employment Article for the purpose of coverage for medical services and
17 treatment under the State workers’ compensation laws.

18 (c) (1) The participating employer where a [DORS] **DIVISION** consumer is
19 placed in an unpaid work–based learning experience shall secure workers’ compensation
20 coverage for that [DORS] **DIVISION** consumer.

21 (2) The State Department of Education shall reimburse the employer in an
22 amount equal to the lesser of:

23 (i) The cost of the premium for the workers’ compensation coverage;

24 or

25 (ii) \$250.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2023.