

HOUSE BILL No. 1553

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-9-7; IC 22-9-11.

Synopsis: 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. 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. Establishes an employment first task force (task force) to: (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 current state agency policies concerning the provision of services to individuals with disabilities and recommend changes; (4) assist state agencies in the implementation of the policy; and (5) provide an annual report to the governor and the legislative council concerning the employment of individuals with disabilities. Provides that the director of the division of disability and rehabilitative services serves as the task force chair.

Effective: July 1, 2017.

Karickhoff

January 23, 2017, read first time and referred to Committee on Family, Children and Human Affairs.



First Regular Session of the 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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1553



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-9-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]:
4 **Chapter 7. Employment First Task Force**
5 **Sec. 1. The definitions set forth in IC 22-9-11 apply to this**
6 **chapter.**
7 **Sec. 2. As used in this chapter, "task force" refers to the**
8 **employment first task force established by section 3 of this chapter.**
9 **Sec. 3. The employment first task force is established.**
10 **Sec. 4. The task force shall do the following:**
11 **(1) Establish baseline data regarding the number of**
12 **individuals with disabilities in competitive and integrated**
13 **employment and set annual goals for increasing the**
14 **percentage of individuals with disabilities in competitive and**
15 **integrated employment.**
16 **(2) Identify and resolve barriers to employment for**
17 **individuals with disabilities.**



1 **(3) Analyze state agency policies concerning the provision of**
 2 **services to individuals with disabilities and recommend**
 3 **changes to those policies to comply with IC 22-9-11.**

4 **(4) Assist state agencies in the implementation of IC 22-9-11,**
 5 **including the changes recommended under subdivision (3).**

6 **(5) Submit, not later than October 1, 2018, and not later than**
 7 **October 1 each year thereafter, to the governor and to the**
 8 **legislative council in an electronic format under IC 5-14-6 an**
 9 **annual report concerning:**

10 **(A) the progress in achieving the goals established under**
 11 **subdivision (1);**

12 **(B) the implementation of IC 22-9-11; and**

13 **(C) any recommendations, including suggested legislation,**
 14 **concerning the employment of individuals with disabilities.**

15 **Sec. 5. (a) The task force consists of thirteen (13) members as**
 16 **follows:**

17 **(1) The secretary of the family and social services**
 18 **administration.**

19 **(2) The director of the division of disability and rehabilitative**
 20 **services.**

21 **(3) The administrator of the office of Medicaid policy and**
 22 **planning.**

23 **(4) The commissioner of the department of workforce**
 24 **development.**

25 **(5) The state superintendent of public instruction.**

26 **(6) Two (2) members appointed by the governor representing**
 27 **groups that support employment as the first and preferred**
 28 **option for individuals with disabilities.**

29 **(7) One (1) member appointed by the governor representing**
 30 **groups that provide information and advocacy services to**
 31 **protect the rights of Indiana residents with disabilities.**

32 **(8) One (1) member appointed by the governor representing**
 33 **employers that currently hire individuals with disabilities.**

34 **(9) Two (2) members appointed by the governor representing**
 35 **providers of services to individuals with disabilities.**

36 **(10) One (1) member appointed by the governor representing**
 37 **individuals with disabilities.**

38 **(11) One (1) member appointed by the governor representing**
 39 **families of individuals with disabilities.**

40 **(b) A member listed in subsection (a)(1) through (a)(5) may**
 41 **appoint a designee to serve on the task force. An individual**
 42 **appointed as a designee shall serve as a permanent designee until**



1 replaced by the member.

2 (c) The governor shall make the initial appointments under this
3 section not later than December 30, 2017.

4 (d) A vacancy on the task force is filled in the same manner as
5 the original appointment.

6 Sec. 6. (a) The director of the division of disability and
7 rehabilitative services or the director's designee shall serve as the
8 chair of the task force.

9 (b) The task force shall meet at least quarterly or at the call of
10 the chair.

11 Sec. 7. (a) A majority of the members of the task force
12 constitutes a quorum for the purpose of conducting business.

13 (b) The affirmative votes of a majority of the members of the
14 task force are necessary for the task force to take official action on
15 any measure.

16 Sec. 8. (a) Each member of the task force who is not a state
17 employee is entitled to the following:

18 (1) The salary per diem provided by IC 4-10-11-2.1(b).

19 (2) Reimbursement for traveling expenses as provided under
20 IC 4-13-1-4.

21 (3) Other expenses actually incurred in connection with the
22 member's duties as provided in the state policies and
23 procedures established by the Indiana department of
24 administration and approved by the budget agency.

25 (b) Each member of the task force who is a state employee is
26 entitled to the following:

27 (1) Reimbursement for traveling expenses as provided under
28 IC 4-13-1-4.

29 (2) Other expenses actually incurred in connection with the
30 member's duties as provided in the state policies and
31 procedures established by the Indiana department of
32 administration and approved by the budget agency.

33 Sec. 9. (a) The division of disability and rehabilitative services
34 shall staff the task force.

35 (b) Expenses of the task force are paid from appropriations
36 made to the division of disability and rehabilitative services.

37 Sec. 10. All state agencies shall fully cooperate with the task
38 force and provide data and other information to assist the task
39 force in carrying out its responsibilities under this chapter.

40 SECTION 2. IC 22-9-11 IS ADDED TO THE INDIANA CODE AS
41 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2017]:



1 **Chapter 11. Employment Opportunities for Individuals With**
 2 **Disabilities**

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

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

10 **Sec. 2. As used in this chapter, "individual with a disability" or**
 11 **"individuals with disabilities" has the meaning set forth in section**
 12 **3 of the federal Workforce Innovation and Opportunity Act of**
 13 **2014 (29 U.S.C. 3101 et seq.).**

14 **Sec. 3. As used in this chapter, "integrated employment" means**
 15 **a work setting located in the community in which an individual**
 16 **with a disability interacts with individuals who are not service**
 17 **providers and do not have a disability to the same extent that an**
 18 **individual in a comparable position who does not have a disability**
 19 **interacts with individuals who are not service providers and do not**
 20 **have a disability.**

21 **Sec. 4. As used in this chapter, "self-employment" means a**
 22 **business, profession, or trade owned by an individual and through**
 23 **which the individual earns income directly through the individual's**
 24 **own efforts and not as an employee of a business, profession, or**
 25 **trade owned by another person.**

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

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

35 **(b) The term does not include the judicial or legislative branch**
 36 **of state government.**

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

39 **Sec. 7. (a) It is the policy of the state to promote competitive and**
 40 **integrated employment, including self-employment, as the first and**
 41 **preferred option when providing services to individuals with**
 42 **disabilities who are of working age. The policy applies to programs**



1 and agencies that provide services and support to help obtain
2 employment for individuals with disabilities.

3 (b) State agencies shall follow the policy described in subsection
4 (a) and ensure that the policy is implemented effectively in the
5 programs and services of the state agencies.

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

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

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

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

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

