

AMENDED IN ASSEMBLY JULY 3, 2002
AMENDED IN ASSEMBLY JUNE 27, 2002
AMENDED IN ASSEMBLY JUNE 13, 2002
AMENDED IN SENATE JANUARY 23, 2002
AMENDED IN SENATE FEBRUARY 26, 2001

SENATE BILL

No. 105

Introduced by Senators Burton, Alpert, O’Connell, and Perata
(Coauthors: Assembly Members Nation, Rod Pacheco, Steinberg,
and Thomson)

January 22, 2001

An act to amend Section 11135 of the Government Code, to amend Sections 19050 and 19050.5 of, to add Section 19054 to, and to add Chapter 3 (commencing with Section 19095) to Part 1 of Division 10 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL’S DIGEST

SB 105, as amended, Burton. Services: blind: visually impaired: deaf: hard of hearing.

Existing law provides for the Department of Rehabilitation, which administers various programs and services for disabled persons, including the blind and visually impaired.

This bill would establish the Division of Services for the Blind and Visually Impaired and the Deaf and Hard of Hearing, would establish the responsibilities of the division, would require the director of the division to report to the Legislature and the Governor on programs administered by the division, would require the director to appoint a



Blind Advisory Committee and a Deaf Advisory Committee to advise the director on certain issues, and would make related and conforming changes.

This bill would incorporate additional changes in Section 11135 of the Government Code, proposed by AB 3035, to be operative only if AB 3035 and this bill are both chaptered and become effective January 1, 2003, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Approximately 70 percent of employable blind and visually
- 4 impaired individuals are unemployed.
- 5 (2) Due to the lack of employment, most of these individuals
- 6 receive public assistance payments, as well as Medi-Cal and other
- 7 public benefits, thereby costing the state millions of dollars in
- 8 benefit payments and lost income tax revenue.
- 9 (3) It is the primary function of the Department of
- 10 Rehabilitation to prepare and place persons with disabilities,
- 11 including the blind and visually impaired, in meaningful jobs.
- 12 (4) The department needs to implement policy and procedural
- 13 changes in order to improve its ability to increase the numbers of
- 14 blind and visually impaired consumers placed in competitive
- 15 employment.
- 16 (5) The blind and visually impaired have a long history of
- 17 success with separate specialized training that takes into account
- 18 their unique needs and the need to have experienced, trained staff,
- 19 and contracting organizations.
- 20 (6) The establishment of a Division of Services for the Blind
- 21 and Visually Impaired and the Deaf and Hard of Hearing in the
- 22 Department of Rehabilitation will, through the focus of state and
- 23 federal resources and without diverting resources that would
- 24 otherwise be used to assist those with other disabilities,
- 25 dramatically improve employment-related services provided to
- 26 persons who are blind or visually impaired or deaf or hard of
- 27 hearing.



1 (7) The purpose of the establishment of a Division of Services
2 for the Blind and Visually Impaired and the Deaf and Hard of
3 Hearing in the department is to streamline, and make more
4 efficient and effective, the department’s delivery of services to
5 Californians who are blind or visually impaired, and that this
6 streamlined organization of those services into a single division
7 within the department will result in no greater than minor,
8 absorbable costs, if any.

9 (b) It is, therefore, the intent of the Legislature to establish a
10 Division of Services for the Blind and Visually Impaired and the
11 Deaf and Hard of Hearing to improve the lives of blind and
12 visually impaired and deaf and hard of hearing persons.

13 SEC. 2. Section 11135 of the Government Code is amended
14 to read:

15 11135. (a) No person in the State of California shall, on the
16 basis of ethnic group identification, religion, age, sex, color, or
17 disability, be unlawfully denied full and equal access to the
18 benefits of, or be unlawfully subjected to discrimination under,
19 any program or activity that is conducted, operated, or
20 administered by the state or by any state agency, is funded directly
21 by the state, or receives any financial assistance from the state.

22 (b) With respect to discrimination on the basis of disability,
23 programs and activities subject to subdivision (a) shall meet the
24 protections and prohibitions contained in Section 202 of the
25 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132),
26 and the federal rules and regulations adopted in implementation
27 thereof, except that if the laws of this state prescribe stronger
28 protections and prohibitions, the programs and activities subject
29 to subdivision (a) shall be subject to the stronger protections and
30 prohibitions.

31 (c) As used in this section, “disability” means any mental or
32 physical disability as defined in Section 12926.

33 (d) (1) The Legislature finds and declares that the ability to
34 utilize electronic or information technology is often an essential
35 function for successful employment in the current work world.

36 (2) In order to improve accessibility of existing technology,
37 and therefore increase the successful employment of individuals
38 with disabilities, particularly blind and visually impaired and deaf
39 and hard-of-hearing persons, state governmental entities, in
40 developing, procuring, maintaining, or using electronic or



1 information technology, either indirectly or through the use of
2 state funds by other entities, shall comply with the accessibility
3 requirements of Section 508 of the Rehabilitation Act of 1973, as
4 amended (29 U.S.C. Sec. 794d), and regulations implementing
5 that act as set forth in Part 1194 of Title 36 of the Federal Code of
6 Regulations.

7 (3) Any entity that contracts with a state or local entity subject
8 to this section for the provision of electronic or information
9 technology or for the provision of related services shall agree to
10 respond to, and resolve any complaint regarding accessibility of its
11 products or services that is brought to the attention of the entity.

12 *SEC. 2.5. Section 11135 of the Government Code is amended*
13 *to read:*

14 11135. (a) No person in the State of California shall, on the
15 basis of *race, national origin, ethnic group identification, religion,*
16 *age, sex, color, or disability,* be unlawfully denied full and equal
17 access to the benefits of, or be unlawfully subjected to
18 discrimination under, any program or activity that is conducted,
19 operated, or administered by the state or by any state agency, is
20 funded directly by the state, or receives any financial assistance
21 from the state.

22 (b) With respect to discrimination on the basis of disability,
23 programs and activities subject to subdivision (a) shall meet the
24 protections and prohibitions contained in Section 202 of the
25 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132),
26 and the federal rules and regulations adopted in implementation
27 thereof, except that if the laws of this state prescribe stronger
28 protections and prohibitions, the programs and activities subject
29 to subdivision (a) shall be subject to the stronger protections and
30 prohibitions.

31 (c) As used in this section, “disability” means any mental or
32 physical disability as defined in Section 12926.

33 (d) (1) *The Legislature finds and declares that the ability to*
34 *utilize electronic or information technology is often an essential*
35 *function for successful employment in the current work world.*

36 (2) *In order to improve accessibility of existing technology, and*
37 *therefore increase the successful employment of individuals with*
38 *disabilities, particularly blind and visually impaired and deaf and*
39 *hard-of-hearing persons, state governmental entities, in*
40 *developing, procuring, maintaining, or using electronic or*



1 *information technology, either indirectly or through the use of*
2 *state funds by other entities, shall comply with the accessibility*
3 *requirements of Section 508 of the Rehabilitation Act of 1973, as*
4 *amended (29 U.S.C. Sec. 794d), and regulations implementing*
5 *that act as set forth in Part 1194 of Title 36 of the Federal Code of*
6 *Regulations.*

7 (3) *Any entity that contracts with a state or local entity subject*
8 *to this section for the provision of electronic or information*
9 *technology or for the provision of related services shall agree to*
10 *respond to, and resolve any complaint regarding accessibility of its*
11 *products or services that is brought to the attention of the entity.*

12 SEC. 3. Section 19050 of the Welfare and Institutions Code
13 is amended to read:

14 19050. There is in the department a program manager for the
15 blind and visually impaired and a program manager for the deaf
16 and hard of hearing. The program managers shall, as determined
17 by the director, report to the deputy director of the division
18 established pursuant to Section 19095, and shall assist in the
19 development and coordination of policy with respect to programs
20 for persons who are blind and visually impaired and persons who
21 are deaf and hard of hearing.

22 SEC. 4. Section 19050.5 of the Welfare and Institutions Code
23 is amended to read:

24 19050.5. The program manager for the blind and visually
25 impaired programs and the program manager for the deaf and
26 hard-of-hearing programs shall have demonstrated experience and
27 sensitivity in working with these disabilities.

28 SEC. 5. Section 19054 is added to the Welfare and Institutions
29 Code, to read:

30 19054. The director shall appoint a Deaf Advisory Committee
31 to advise the director on means to increase employment, enlarge
32 economic opportunities, enhance independence and
33 self-sufficiency, and otherwise improve services to persons who
34 are deaf or hard of hearing. A majority of the committee members
35 shall be deaf or hard of hearing, and other members shall have
36 experience relating to services to the deaf or hard of hearing. The
37 committee shall develop, in conjunction with stakeholders, an
38 annual work plan to identify and address areas for improvement
39 in services provided by the department to persons who are deaf or
40 hard of hearing.



1 SEC. 6. Chapter 3 (commencing with Section 19095) is added
2 to Part 1 of Division 10 of the Welfare and Institutions Code, to
3 read:

4

5 CHAPTER 3. DIVISION OF SERVICES FOR THE BLIND AND
6 VISUALLY IMPAIRED AND THE DEAF AND HARD OF HEARING

7

8 19095. (a) (1) There is hereby established in the Department
9 of Rehabilitation a Division of Specialized Services for the Blind
10 and Visually Impaired and the Deaf and Hard of Hearing.

11 (2) For purposes of this chapter “division” means the division
12 established pursuant to paragraph (1).

13 (b) The purposes of the division shall be as follows:

14 (1) To assist persons who are blind and visually impaired and
15 deaf and hard of hearing in gaining competitive employment.

16 (2) To enlarge economic opportunities for persons who are
17 blind or visually impaired and deaf and hard of hearing.

18 (3) To enhance the independence and self-sufficiency of blind
19 and visually impaired and deaf and hard-of-hearing persons.

20 19095.5. (a) The division shall be under the direction of a
21 deputy director, who shall be appointed by the Governor.

22 (b) The deputy director shall have extensive background in, or
23 knowledge of, services to the blind and visually impaired and the
24 deaf and hard of hearing.

25 (c) The deputy director shall report directly to the directorate
26 of the Department of Rehabilitation and shall be a member of the
27 department’s executive management, taking part in all
28 departmental planning and decisionmaking.

29 19096. (a) Commencing July 1, 2003, the division shall be
30 charged with the administration of the following programs and
31 services:

32 (1) All staff within the division, including rehabilitation
33 counselors, rehabilitation counselors for the blind, staff of the
34 orientation center, and staff of the business enterprises program.

35 (2) Orientation centers for the blind, provided for pursuant to
36 Article 1 (commencing with Section 19500) of Chapter 6 of Part
37 2.

38 (3) The Business Enterprise Program for the Blind, provided
39 pursuant to Article 5 (commencing with Section 19625) of
40 Chapter 6 of Part 2.



1 (4) Contracts for services with organizations serving the blind
2 and visually impaired and the deaf and hard of hearing.

3 (5) Programs for the blind under Subchapter 7 (commencing
4 with Section 796) of Chapter 16 of Title 29 of the United States
5 Code.

6 (b) The division shall also provide additional rehabilitation
7 services to its blind and visually impaired and deaf and
8 hard-of-hearing clients, to the extent that funds are available.

9 (c) The program managers shall report to the deputy director of
10 the division established pursuant to this chapter.

11 (d) The division shall be responsible for administrative
12 functions , including, but not limited to, the following:

13 (1) Develop, implement, and oversee policies related to blind
14 and visually impaired and deaf and hard-of-hearing consumers,
15 including timely provision of assistive technology services.

16 (2) Develop and implement mandatory orientation training
17 programs for new rehabilitation counselors for the blind,
18 rehabilitation counselors for the deaf, and counselor teachers.

19 (3) Develop and implement ongoing mandatory training for
20 rehabilitation supervisors of blind-designated units.

21 (4) Establish minimum professional competencies for
22 rehabilitation counselors for the blind, rehabilitation counselors
23 for the deaf, and counselor teachers, and provide continuing
24 in-service education to rehabilitation counselors for the blind,
25 rehabilitation counselors for the deaf, and counselor teachers.

26 (5) Provide support and assistance to field staff on issues
27 related to the cases of blind and visually impaired and deaf and
28 hard-of-hearing consumers.

29 (6) Provide technical assistance to the department related to the
30 assistive technology needs of blind and visually impaired and deaf
31 and hard-of-hearing employees and consumers.

32 (7) Establish and maintain within the department's Internet
33 *Web site*, a communications system for staff serving blind and
34 visually impaired and deaf and hard-of-hearing consumers for the
35 purpose of sharing resource information, effective practices, and
36 problem solving.

37 (e) Any program administered in whole or in part by the State
38 Department of Education relative to the transition from school to
39 work for blind and visually impaired and deaf ~~or~~ *and*



1 hard-of-hearing secondary education students shall be conducted
2 in partnership with the division.

3 19097. (a) Subject to the control of the director, all
4 employees of the department providing services administered by
5 the division pursuant to this chapter shall be under the exclusive
6 direction and supervision of the deputy director of the division.

7 (b) The division shall establish criteria and train counselors and
8 supervisors working with persons who are blind and visually
9 impaired and deaf and hard of hearing to ensure they have the
10 specialized knowledge and skills to meet the needs of these
11 persons.

12 19097.5. The department shall report annually in the fourth
13 quarter of each calendar year to the Blind Advisory Committee on
14 the amount of state and federal funds allocated to direct services
15 governed by this chapter.

16 19098. The Director of Rehabilitation shall, on or before July
17 1, 2005, and every other year thereafter, report to the Legislature
18 and the Governor on the programs administered by the division.
19 The report shall include statistics on competitive employment
20 placements of persons who are blind or visually impaired.

21 19098.5. The Director of Rehabilitation shall establish the
22 Blind Advisory Committee to advise the Director of
23 Rehabilitation on means to increase competitive employment,
24 enlarge economic opportunities, enhance independence and
25 self-sufficiency, and otherwise improve services for persons who
26 are blind and visually impaired. A majority of the members shall
27 be blind or visually impaired. Members of the committee who are
28 not blind or visually impaired shall have experience in services to
29 the blind. The committee shall develop, in conjunction with
30 stakeholders, an annual work plan to identify and address areas for
31 improvement in services provided by the division to persons who
32 are blind and visually impaired.

33 *SEC. 7. Section 2.5 of this bill incorporates amendments to*
34 *Section 11135 of the Government Code proposed by both this bill*
35 *and AB 3035. It shall only become operative if (1) both bills are*
36 *enacted and become effective on or before January 1, 2003, (2)*
37 *each bill amends Section 11135 of the Government Code, and (3)*



1 *this bill is enacted after AB 3035, in which case Section 2 of this*
2 *bill shall not become operative.*

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