

House Bill 565

By: Representatives Howard of the 121st and Parham of the 141st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped
2 persons, so as to create the Commission for the Blind and the Visually Impaired; to provide
3 for a short title; to provide for legislative intent; to provide for the composition and
4 appointment of commission members; to provide for an executive director; to provide for
5 duties; to provide for an annual report; to provide for a complaint process; to specify the
6 powers and duties of the commission, transferring functions otherwise assigned; to provide
7 for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
11 amended by adding a new chapter to the end of such title to read as follows:

12 "CHAPTER 11

13 30-11-1.

14 This chapter shall be known and may be cited as the 'Commission for the Blind and the
15 Visually Impaired Act.'

16 30-11-2.

17 As used in this chapter, the term:

18 (1) 'Blind or visually impaired' means a person:

19 (A) Having a central visual acuity of 20/200 in the better eye with the best corrective
20 lens, or a visual field of 20 degrees or less; or

21 (B) With a severe visual disability resulting in legal blindness verified by an eye
22 examination.

23 (2) 'Commission' means the Commission for the Blind and the Visually Impaired.

24 30-11-3.

25 (a) The purpose of this chapter is to establish and authorize a coordinated program of
26 services throughout this state that will be available to individuals who are blind or visually
27 impaired. The program shall be designed to maximize employment opportunities for such
28 individuals and to increase their independence and self-sufficiency.

29 (b) It is the policy of this state that all programs, projects, and activities of the commission
30 shall be carried out in a manner consistent with the following principles:

31 (1) Respect for individual dignity, personal responsibility, self-determination, and pursuit
32 of meaningful careers, based on informed choice;

33 (2) Support for the involvement of an individual's representative if an individual
34 requests, desires, or needs such support;

35 (3) Respect for the individual's privacy and equal access, including the use of
36 information in accessible formats; and

37 (4) Integration and full participation of individuals who are blind or visually impaired
38 in society on equal terms with others.

39 30-11-4.

40 (a) The Commission for the Blind and the Visually Impaired is hereby created. The
41 commission shall consist of a chairperson and five members. The Governor shall appoint
42 one member and the chairperson, the Speaker of the House shall appoint two members, and
43 the President of the Senate shall appoint two members. The chairperson and members shall
44 be qualified to serve based on knowledge and experience in rehabilitation and related
45 services for the blind or visually impaired. A majority of the members shall be blind or
46 visually impaired. No member of the commission shall be employed by the commission
47 during the term of such membership.

48 (b) The Governor, the Speaker of the House, and the President of the Senate shall consult
49 with consumer groups representing blind or visually impaired persons in this state to obtain
50 their recommendations of individuals to be appointed.

51 (c) The appointment of each member shall be for a term of three years, except for the
52 terms of the initially appointed members. One member appointed by each officer shall
53 serve for terms of two years and the chairperson and the other initial appointments shall
54 serve for terms of one year. Thereafter, all members shall be appointed for terms of three
55 years.

56 (d) The commission shall meet quarterly and at such other times as it shall determine. The
57 chairperson of the commission shall be elected by the members present and voting at the
58 first meeting of the commission and annually thereafter. Commissioners shall receive no
59 salary, but shall be allowed the usual mileage, subsistence, and per diem as authorized by

60 law. A majority of the members of the commission shall constitute a quorum to transact
61 business.

62 (e) The Georgia Statewide Coalition on Blindness shall be the official advisory committee
63 with the responsibility of reporting to the commission.

64 30-11-5.

65 (a) The commission shall appoint an executive director with knowledge and experience
66 in rehabilitation and related services for the blind or visually impaired. The executive
67 director shall serve as secretary to the commission and shall be the chief administrative
68 officer of the commission. The executive director's appointment shall be for an indefinite
69 period but may be terminated for cause as determined by a majority of the commission.
70 Preference shall be given to employing an individual who is blind or visually impaired and
71 meets the qualifications specified by the commission.

72 (b) The executive director shall employ such personnel as are needed and shall fix their
73 compensation in a manner consistent with state law.

74 30-11-6.

75 (a) The commission shall:

76 (1) Develop and carry out a state plan for vocational rehabilitation services for
77 individuals who are blind or visually impaired pursuant to Section 101 of the federal
78 Rehabilitation Act of 1973, as amended;

79 (2) Provide independent living services for blind or visually impaired individuals,
80 including services for older individuals who are blind or visually impaired, pursuant to
81 Title VII of the federal Rehabilitation Act of 1973, as amended;

82 (3) Contract with private agencies who provide services for the blind or visually
83 impaired to provide prevocational and other training such as, but not limited to,
84 instruction in Braille, orientation and mobility for independent travel, homemaking and
85 home-management skills, and communications skills, including the use of computer
86 technology, to prepare blind and visually impaired persons for eventual vocational
87 training, job placement, higher education, home usage such as reading of mail and letter
88 writing, and independence;

89 (4) Establish and carry out a business enterprises program and serve as the state licensing
90 agency for blind and visually impaired individuals pursuant to the federal
91 Randolph-Sheppard Act;

92 (5) Establish and administer a state-wide program to certify individuals who are qualified
93 to teach Braille to blind or visually impaired individuals, including individuals attending

- 94 elementary and secondary schools, using performance criteria based on the National
95 Literary Braille competency examination administered by the Library of Congress;
96 (6) Purchase and distribute specialized equipment, devices, and technology, including
97 low-vision aids, obtained directly from specialty vendors without state centralized
98 purchasing procedures;
99 (7) Provide library services to persons who are blind or visually impaired and persons
100 with physical disabilities in cooperation with the Library of Congress;
101 (8) Create and maintain an instructional media center for the production, purchase,
102 distribution, reallocation, and warehousing of accessible materials for blind or visually
103 impaired children and adults;
104 (9) Provide technical assistance in cooperation with other appropriate agencies to assist
105 the Department of Education and local boards of education in the provision of auxiliary
106 aids and services to blind or visually impaired students and their parents by complying
107 with the federal Americans with Disabilities Act, as amended, and the federal Individuals
108 with Disabilities Education Act, as amended;
109 (10) Provide technical assistance to agencies within this state in order to ensure that
110 information technology purchased or used by such agencies is accessible to and useable
111 by individuals who are blind or visually impaired at the time the technology is purchased
112 or used;
113 (11) Participate, through the designation of the executive director or an appropriate staff
114 member of the commission, on boards, commissions, or bodies which may exist or be
115 established within this state for the purpose of coordination and planning of services;
116 (12) Conduct a review of consumer satisfaction with programs of the commission and
117 perform other functions of the state-wide rehabilitation council specified in Section
118 105(c) of the federal Rehabilitation Act of 1973, as amended;
119 (13) Promulgate rules to carry out programs of the commission;
120 (14) Apply for and receive money from any state or federal agency to support the
121 programs of the commission and receive on behalf of this state any gifts, donations, or
122 bequests from any source to be used in carrying out the commission's duties as described
123 in this chapter; and
124 (15) Develop and administer any other program which will further the provision of
125 services to the blind or visually impaired and is determined by the commission to fall
126 within its scope of responsibility.
127 (b) The commission may carry out any of the powers and duties enumerated in this Code
128 section by contract or cooperative agreement or by the direct administration of any
129 program.

130 30-11-7.

131 The commission shall publish an annual report including a list of accomplishments,
132 findings, and recommendations for improvement based on its activities and performance
133 during the year. The report shall contain information needed to evaluate the progress of the
134 commission in meeting the needs of blind or visually impaired individuals in this state.

135 30-11-8.

136 (a) Any applicant for or recipient of services from the commission who is dissatisfied with
137 any action taken or decision made regarding such services may file a complaint setting
138 forth the basis for the dissatisfaction and the remedy sought. Upon receipt of the
139 complaint, the executive director shall inform the individual of the voluntary process
140 available for mediation of the dispute. The mediation, if chosen by the individual, shall be
141 conducted by a qualified and impartial mediator and the cost shall be paid by the
142 commission.

143 (b) If the dispute cannot be resolved by mediation or other informal means, the executive
144 director shall, upon request of the individual, convene an arbitration panel which shall give
145 notice, conduct a hearing, and render a decision. The arbitration panel shall be composed
146 of three members appointed as follows:

147 (1) One individual designated by the individual filing the complaint;

148 (2) One individual designated by the executive director; and

149 (3) One individual chosen by the other designees who is an impartial hearing officer as
150 defined in Section 102 of the federal Rehabilitation Act of 1973, as amended, who shall
151 serve as chairperson of the arbitration panel and issue the decision.

152 (c) The commission shall promulgate rules sufficient to regulate the conduct of all
153 proceedings required in this Code section and to ensure the rights of all parties participating
154 therein.

155 30-11-9.

156 (a) The commission shall work cooperatively with private agencies that provide services
157 for the blind or visually impaired. All existing contracts and agreements in effect
158 concerning services for the blind or visually impaired shall be binding upon the
159 commission to the same extent that such contracts or agreements were binding upon the
160 agency from which they were transferred.

161 (b) All proceeds from claims filed with any agency, including the Social Security
162 Administration, which relate to the provision of services for the blind or visually impaired
163 shall be transferred to the commission from any agency receiving such proceeds."

164 **SECTION 2.**

165 This Act shall become effective on July 1, 2009.

166 **SECTION 3.**

167 All laws and parts of laws in conflict with this Act are repealed.