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TITLE 4. EMPLOYMENT SERVICES AND UNEMPLOYMENT

SUBTITLE C. VOCATIONAL REHABILITATION AND CERTAIN OTHER SERVICES FOR PERSONS WITH DISABILITIES

CHAPTER 351. GENERAL PROVISIONS; RESPONSIBILITY FOR ADMINISTRATION OF SERVICES

Sec. 351.001. Definitions

In this subtitle:

- (1) "Department" means the Department of Assistive and Rehabilitative Services.
- (2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 351.002. Responsibility for Administration of Services and Programs

- (a) Notwithstanding any other provision of this subtitle, the department shall administer the services and programs under this subtitle until September 1, 2016. On that date, the department shall cease administering the services and programs and the commission shall begin administering the services and programs, subject to receipt of any required federal approval.
- (b) The department or commission, as appropriate, shall seek federal approval, if required:
 - (1) for the commission, beginning on September 1, 2016, to administer the following services and programs under this subtitle that the department operated before that date under the federal Rehabilitation Act of 1973 (29 U.S.C. Sections 720 through 751):
 - (A) the vocational rehabilitation program for individuals with visual impairments;
 - (B) the vocational rehabilitation program for individuals with other disabilities;
 - (C) the Independent Living Services Program for older individuals who are blind;
and
 - (D) the Criss Cole Rehabilitation Center.
 - (2) for the commission, beginning on September 1, 2016, to administer the program for vending facilities operated by blind persons under Chapter 355, including the Business

Enterprises Program under the Randolph-Sheppard Act (20 U.S.C. Section 107 et seq.), that the department operated before that date; and

- (3) to designate within the commission the state unit under 29 U.S.C. Section 721 that is responsible for administering the state's vocational rehabilitation program.
- (c) The Rehabilitation Council of Texas transfers to the commission on September 1, 2016.
- (d) Subsections (b) and (c) and this subsection expire September 1, 2019.

Sec. 351.0021. Additional Duties of Health and Human Services Transition Legislative Oversight Committee

- (a) In this section, "committee" means the Health and Human Services Transition Legislative Oversight Committee established under Section 531.0203, Government Code.
- (b) In addition to the requirements of Section 531.0203(h), Government Code, the committee shall:
 - (1) facilitate the transfer of vocational rehabilitation services and other services and programs under this subtitle with, to the greatest degree possible, no negative effect on the delivery of services to clients; and
 - (2) advise the executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner concerning:
 - (A) the services and programs to be transferred under this subtitle and the funds and obligations that are related to the services and programs; and
 - (B) the transfer of the services and programs and related records, property, funds, and obligations from the department to the commission as provided by this subtitle.
- (c) In addition to the requirements for the report specified by Section 531.0203(j), Government Code, the committee shall include in the report under that subsection an update on the progress of and issues related to the transfer of vocational rehabilitation services and other services and programs under this subtitle from the department to the commission, including the need for any additional statutory changes required to complete the transfer of services and programs to the commission in accordance with this subtitle.
- (d) This section expires September 1, 2019.

Sec. 351.0022. Transition Plan

- (a) In addition to the requirements under Section 531.0204, Government Code, the executive commissioner shall work with the executive director and the commissioner of assistive and rehabilitative services to ensure the transition plan under that section includes a plan for the

transfer of vocational rehabilitation services and other services and programs from the department to the commission that ensures the transfer is accomplished in a careful and deliberative manner. Specifically, the transition plan must include:

- (1) the specific steps and methods for the transfer or disposition of all obligations, rights, contracts, leases, records, property, and funds, including unexpended and unobligated appropriations, relating to the services and programs transferred from the department to the commission under this subtitle, including the plans for leased office or building space and the transition of data and information technology systems supporting the services and programs;
 - (2) the identification of all full-time equivalent employee positions that are associated with the department's administration of the services and programs to be transferred to the commission, including the full-time equivalent employee positions that are associated with the Health and Human Services Commission's administrative support of those transferring services and programs;
 - (3) measures to ensure that unnecessary disruption to the provision of transferred services and programs does not occur;
 - (4) a strategy for integrating the department's vocational rehabilitation staff into the commission's local workforce development boards and centers as required by Section 351.004;
 - (5) a strategy for integrating vocational rehabilitation programs for individuals with visual impairments and for individuals with other disabilities as required by Section 352.101;
 - (6) a schedule for implementing the transfer of the services and programs; and
 - (7) a strategy for exchanging data with other state agencies that refer clients for vocational rehabilitation services.
- (b) To the extent allowed by federal law, public hearings held under Section 531.0204(c), Government Code, if appropriate, may be combined with other public hearings required under federal law in relation to the adoption of a state plan for vocational rehabilitation services.
- (c) The plan for the transfer of vocational rehabilitation services and other services and programs required by this section must be included as part of the transition plan submitted to the Health and Human Services Transition Legislative Oversight Committee, the governor, and the Legislative Budget Board under Section 531.0204(e), Government Code, by the date prescribed by that subsection. In addition, the plan must be separately submitted to that committee and the governor as soon as practicable after September 1, 2015. The committee shall comment on the plan in conjunction with making comments on the transition plan as required by Section 531.0204(e), Government Code.

- (d) If in making comments and recommendations on the transition plan under Section 531.0204(e), Government Code, the Health and Human Services Transition Legislative Oversight Committee has comments, concerns, or recommendations regarding the elements of the plan required by this section, the committee shall provide those comments, concerns, and recommendations to the executive director and the commissioner of assistive and rehabilitative services in addition to the executive commissioner. The executive director, the commissioner of assistive and rehabilitative services, and the executive commissioner may not finalize the plan required by this section until the comments, concerns, and recommendations of the committee specifically regarding that plan have been reviewed and considered.
- (e) This section expires September 1, 2019.

Sec. 351.003. Designated State Unit for Vocational Rehabilitation Services

In accordance with the requirements of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.), the commission shall establish a designated state unit within the commission that:

- (1) is an organizational unit designated to be primarily responsible for and concerned with vocational rehabilitation of individuals with disabilities;
- (2) has a full-time director;
- (3) has a staff employed on the rehabilitation work of the organizational unit, all or substantially all of whom are employed full-time on such work; and
- (4) is located at an organizational level and has an organizational status within the commission comparable to that of other major organizational units of the commission.

Sec. 351.004. Integration of Vocational Rehabilitation Programs; Program Staff

- (a) Not later than August 31, 2018, the commission shall integrate the vocational rehabilitation staff from department offices into the commission's local workforce development boards and centers.
- (b) This section expires September 1, 2019.

Sec. 351.005. Meaning of Certain References in Law

Until the administration of this subtitle is transferred from the department to the commission, a reference to the commission or the executive director in this subtitle means the department, commissioner of assistive and rehabilitative services, or executive commissioner, as applicable.