

CHAPTER 271—S.F.No. 1246

An act relating to state government; providing certification for rehabilitation counselors for the blind and providing public records and continuing education accessibility for persons with disabilities; providing civil penalties; amending Minnesota Statutes 2008, section 248.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 363A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 248.07, is amended by adding a subdivision to read:

Subd. 14b. **Certification and qualifications of rehabilitation counselors for the blind.** (a) No person shall provide rehabilitation counseling services for the blind or hold themselves out as a qualified rehabilitation counselor for the blind unless the person is certified as a rehabilitation counselor by the director of State Services for the Blind.

(b) A rehabilitation counselor for the blind is not a mental health practitioner.

(c) A certified rehabilitation counselor for the blind shall have, in addition to any necessary education background for rehabilitation counselors in Minnesota, the following qualifications:

(1) successful completion of a minimum of six weeks of intensive training under sleep shades from an adjustment-to-blindness center set forth by State Services for the Blind in the contracting process; and

(2) completion of additional appropriate training as approved by the director of State Services for the Blind.

(d) Each certified rehabilitation counselor for the blind shall, in the period since the counselor's certificate was issued or last renewed, complete continuing competency requirements as set forth by the director of State Services for the Blind.

EFFECTIVE DATE. This section is effective January 1, 2011, for persons hired in rehabilitation counseling for the blind after that date.

Sec. 2. **[363A.42] PUBLIC RECORDS; ACCESSIBILITY.**

Subdivision 1. **Definitions.** For purposes of this section, "records" means any recorded information that is collected, created, received, maintained or disseminated by the executive, judicial or legislative branches of the state, the Minnesota State Colleges and Universities, the University of Minnesota, cities, towns, counties, school districts and all other political subdivisions of the state, regardless of physical form or method of storage.

Subd. 2. **Accessibility.** All records must be available to persons with disabilities in a manner consistent with state and federal laws prohibiting discrimination against persons with disabilities. Reasonable modifications must be made in any policies,

practices and procedures that might otherwise deny equal access to records to individuals with disabilities.

Subd. 3. **Penalties.** Violation of this section is subject to a penalty of \$500 per violation, plus attorney fees, costs and disbursements, payable to a qualified disabled person under section 363A.03, subdivision 36, by the public entity in violation of this section.

EFFECTIVE DATE. This section is effective January 1, 2013.

Sec. 3. **[363A.43] CONTINUING EDUCATION; ACCESSIBILITY.**

Subdivision 1. **Accessibility.** Any continuing education or professional development course, offering, material or activity approved or administered by the state, political subdivisions of the state, the University of Minnesota or the Minnesota State Colleges and Universities, must be available to persons with disabilities in a manner consistent with state and federal laws prohibiting discrimination against persons with disabilities. Reasonable modifications must be made in any policies, practices and procedures that might otherwise deny equal access to continuing education or professional development to individuals with disabilities.

Subd. 2. **Penalties.** Violation of this section is subject to a penalty of \$500 per violation, plus attorney fees, costs and disbursements, payable to a qualified disabled person under section 363A.03, subdivision 36, by the public entity or the entity offering the course, material, or activity under a contract with a public entity.

EFFECTIVE DATE. This section is effective January 1, 2013.

Presented to the governor April 22, 2010

Signed by the governor April 26, 2010, 5:21 p.m.