

## CHAPTER 248

## BLIND; EDUCATION, REHABILITATION

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**248.01** [Repealed, 1976 c 271 s 98 subd 2]

**248.011 REPORTING OF NEWLY BLINDED INDIVIDUAL.**

Subdivision 1. **Duty to report.** Whenever an ophthalmologist or optometrist makes an initial diagnosis of legal blindness as defined in section 256D.35, subdivision 4a, the ophthalmologist or optometrist shall advise the client that services are available through Minnesota state services for the blind and visually handicapped. After obtaining client consent, the ophthalmologist or optometrist shall report the name of the legally blind client to Minnesota state services for the blind and visually handicapped. The report must be filed with Minnesota state services for the blind and visually handicapped within 30 days following a diagnosis of legal blindness after obtaining client consent.

Subd. 2. **Duties of Minnesota state services for the blind and visually handicapped.** Upon receipt of the name of a legally blind individual, Minnesota state services for the blind and visually handicapped shall contact the newly blind individual within 30 days and provide a complete summary of available services to the blind individual, in media accessible to the individual.

**History:** 1992 c 470 s 1

**248.02** [Repealed, 1976 c 271 s 98 subd 2]

**248.03 FREE TUITION AT STATE UNIVERSITY.**

Any resident of the state graduated from the Minnesota state academy for the blind, upon compliance with all other requirements, shall be entitled to pursue any course of study in the state university without expense for tuition; and the board of regents shall receive the resident into any department thereof.

**History:** (4612) RL s 1935; 1941 c 332; 1986 c 444; 1987 c 384 art 1 s 55

**248.04 BLIND STUDENT TO RECEIVE EXPENSES WHILE AT CERTAIN SCHOOLS.**

Any blind person who is, and for five years immediately preceding the making of an application for aid under this chapter has been, a resident of this state, who is a regularly enrolled student pursuing any course of study, profession, art, or science in any university, college, or conservatory of music approved by the board of directors of the Minnesota state academy for the blind, in the discretion and under direction of the board, may receive a sum or sums of money, not exceeding \$300 in any one year, for the purpose of defraying necessary expenses, including those of a reader, while in attendance upon such university, college, or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota state academy for the blind. Not more than ten such blind persons shall receive such aid in any one year.

**History:** (4613) 1915 c 307 s 1; 1929 c 367 s 1; 1941 c 332; 1986 c 444; 1987 c 384 art 1 s 55

**248.05** [Repealed, 1976 c 271 s 98 subd 2]

**248.06** [Repealed, 1976 c 271 s 98 subd 2]

**248.07 COMMISSIONER OF JOBS AND TRAINING, DUTIES.**

Subdivision 1. **Cooperation.** It shall be the duty of the commissioner of jobs and training, referred to in this section and sections 248.10 and 248.11 as the commissioner, to develop and administer programs serving the needs of blind and visually handicapped persons and to cooperate with state and local boards and agencies both public and private. The commissioner shall create a distinct organizational unit to be known as the division of services for the blind and visually handicapped, separate from the vocational rehabilitation unit and with its own activity budget, within the department of jobs and training to provide and coordinate services to the blind.

Subd. 2. **Statistics.** The commissioner shall collect statistics concerning blind persons including medical ophthalmological data, causes of blindness, opportunities for education, rehabilitation, training for employment, and any other information necessary to carry out the commissioner's duties and responsibilities with respect to blind and visually handicapped persons.

Subd. 3. **Special attention.** The commissioner shall give special attention to the cases of handicapped youth who are eligible to attend the Minnesota state academy for the blind, the Minnesota state academy for the deaf, or the public school classes for handicapped children, but are not in attendance thereat, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Subd. 4. **Vocational training.** The commissioner shall either provide or assist blind and visually handicapped persons in obtaining vocational training and employment and shall aid such persons in obtaining services and benefits to which they may be entitled from public and private agencies. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in the opinion of the person would be suitable and practical in accordance with rules adopted by the commissioner under subdivision 14a.

Subd. 5. **Aids.** The commissioner shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by any other practicable means of improving their social, economic, or educational condition; (4) by providing to eligible persons, or purchasing for sale at cost plus handling charges, special materials and supplies needed by blind or visually handicapped persons that are difficult to obtain elsewhere; and (5) by promoting literacy and access to print materials through production of alternative reading formats such as Braille, audio tapes, radio signals, newspaper reading services, and other services originating from the division's communication center. Equipment may be leased or sold under written rehabilitation plans at cost plus handling charges to persons who wish to lease or purchase them. Receipts under this subdivision, as well as gifts to aid the blind, are subject to section 268.0121, subdivision 5.

Subd. 6. [Repealed, 1949 c 22 s 1]

Subd. 7. **Blind, vending stands and machines on governmental property.** Notwithstanding any other law, for the rehabilitation of blind persons the commissioner shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by the state university or community college systems or by any department or agency of the state of Minnesota except the department of natural resources properties operated directly by the division of state parks and not subject to private leasing. The merchandise to be dispensed by such vending stands and machines may include nonalcoholic beverages, food, candies, tobacco, souvenirs, notions and related items. Such vending stands and vending machines herein authorized shall be operated on the same basis as other vending stands for the blind established and supervised by the commissioner under federal law. The commissioner shall waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property who is operating under a contract with a specific renewal or termination date, until the renewal or

termination date. With the consent of the governing body of a governmental subdivision of the state, the commissioner may establish and supervise vending stands and vending machines for the blind in any building or property exclusively owned or rented by the governmental subdivision.

**Subd. 8. Use of revolving fund, licenses for operation of vending machines.** The revolving fund created by Laws 1947, chapter 535, section 5, is continued as provided in this subdivision and shall be known as the revolving fund for vocational rehabilitation of the blind. It shall be used for the purchase of equipment and supplies for establishing and operating of vending stands by blind persons. All income, receipts, earnings, and federal grants due to the operation thereof shall also be paid into the fund. All interest earned on money accrued in the fund must be credited to the fund by the state treasurer. All equipment, supplies, and expenses for setting up these stands shall be paid for from the fund. Authority is hereby given to the commissioner to use the money available in the revolving fund that originated as operational charges to individuals licensed under this subdivision for the establishment, operation, and supervision of vending stands by blind persons for the following purposes: (1) purchase, upkeep and replacement of equipment; (2) expenses incidental to the setting up of new stands and improvement of old stands; (3) reimbursement under section 15.059 to individual blind vending operators for reasonable expenses incurred in attending supervisory meetings as called by the commissioner and other expenditures for management services consistent with federal law; and (4) purchase of fringe benefits for blind vending operators and their employees such as group health insurance, retirement program, vacation or sick leave assistance provided that the purchase of any fringe benefit is approved by a majority vote of blind vending operators licensed pursuant to this subdivision after the commissioner provides to each blind vending operator information on all matters relevant to the fringe benefits. Fringe benefits shall be paid only from assessments of operators for specific benefits, gifts to the fund for fringe benefit purposes, and vending income which is not assignable to an individual stand.

Money originally deposited as merchandise and supplies repayments by individuals licensed under this subdivision may be expended for initial and replacement stocks of supplies and merchandise. Money originally deposited from vending income on federal property must be spent consistent with federal law.

All other deposits may be used for the purchase of general liability insurance or any other expense related to the operation and supervision of vending stands.

The commissioner shall issue each license for the operation of a vending stand or vending machine for an indefinite period but may terminate any license in the manner provided. In granting licenses for new or vacated stands preference on the basis of seniority of experience in operating stands under the control of the commissioner shall be given to capable operators who are deemed competent to handle the enterprise under consideration. Application of this preference shall not prohibit the commissioner from selecting an operator from the community in which the stand is located.

**Subd. 9. Training of selected applicants.** Each applicant selected by the commissioner for a license to operate a vending stand or vending machine shall be given training in the operation and conduct of such vending stand or vending machine.

**Subd. 10. Revocation of licenses; hearing.** The commissioner shall not revoke any license except for good cause shown. An opportunity for a fair hearing shall be afforded any operator within 30 days after revocation of license.

**Subd. 11. Policy changes; notice and hearing.** Any major changes in policies made by the commissioner in the conduct of this program will be preceded by a public hearing. Each operator shall be given 30 days notice of such hearing.

**Subd. 12. Reimbursement out of state distribution of Braille and special materials.** The commissioner shall obtain reimbursement from other states for the estimated cost of providing radio signals, programming, and radio receivers for the blind and for production and handling of Braille books, audio tapes, and related services for the blind distributed by the department of jobs and training to users in such other states and may contract with the appropriate authorities of such states to effect such reimbursement.

All money received hereunder shall be paid to the state treasurer and placed in the special revenue fund and is appropriated to the commissioner of jobs and training for the purposes of this subdivision.

**Subd. 13. Rehabilitation facilities.** From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner may make grants, upon such terms as the commissioner may determine, to public or nonprofit organizations for the establishment, maintenance or improvement of rehabilitation facilities or sheltered workshops for the blind.

**Subd. 14. Training of workers for rehabilitation of blind.** From funds provided by the state or the United States for the rehabilitation of blind persons, the commissioner may make provision for:

(1) specialized supplementary training of professional workers employed by services for the blind, which shall consist of selected courses of study designed to improve worker techniques in providing assistance with adjustment to blindness, guidance, training and vocational placement services to blind children and adults;

(2) the employment of student trainees enrolled in school programs. Such trainees to be employed on a part-time basis during the regular school term and on a full-time basis during the extra school term. Student trainees shall not be counted against the regular staff complement.

**Subd. 14a. Rules.** The commissioner shall adopt rules to set standards for the provision of rehabilitative services to blind and visually handicapped persons. The rules shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15 and include specific requirements for timely responses by the agency.

**Subd. 15. Appeals from agency action.** An applicant for or recipient of rehabilitation service who is dissatisfied with an agency's action with regard to the furnishing or denial of services may file a request for administrative review and fair hearing in accordance with the Code of Federal Regulations, title 34, section 361.48, and rules adopted under subdivision 14a.

**Subd. 16. Adjustment-to-blindness training.** (a) The commissioner of jobs and training shall enter into contracts or agreements to provide comprehensive adjustment-to-blindness training services to blind and visually handicapped persons. Services available must include, but not be limited to, instruction in Braille reading and writing, the use of the long white cane for independent travel, home management and self management, typing and computer technology, career exploration, and seminars on positive adjustment to blindness. In entering into contracts or agreements to provide adjustment-to-blindness services, the commissioner shall, when in the best interests of the client, utilize services available from qualified nonprofit agencies or organizations who:

(1) are administered by a governing board composed of a majority of individuals who are blind;

(2) substantially involve individuals who are blind in policy direction and management; and

(3) employ individuals who are blind at all levels of operation.

(b) This subdivision does not limit the commissioner's authority to enter into contracts or agreements for any service with other qualified agencies or organizations.

**History:** (4616) 1913 c 488 s 1,2; 1917 c 346 s 3,4; 1923 c 336 s 1; 1941 c 332 s 1; 1955 c 303 s 1-6; 1957 c 693 s 1,2; 1961 c 67 s 1; 1965 c 321 s 1; 1965 c 692 s 1; 1969 c 399 s 1; 1969 c 903 s 1; 1969 c 1022 s 1; 1969 c 1129 art 3 s 1; 1976 c 54 s 1; 1976 c 163 s 51; 1976 c 239 s 78; 1976 c 271 s 77; 1982 c 395 s 1; 1984 c 516 s 1; 1984 c 654

*art 5 s 58; 1Sp1985 c 14 art 9 s 12; 1986 c 337 s 3-12; 1986 c 444; 1Sp1986 c 3 art 1 s 27; 1987 c 365 s 20; 1987 c 384 art 2 s 1; 1988 c 703 art 1 s 19-21; 1991 c 328 s 1; 1992 c 470 s 2,3*

#### **248.075 BLIND-MADE GOODS AND SERVICES, USE BY GOVERNMENTAL AGENCIES.**

Any board, commission, officer, or employee of the state or a state agency, or of any county, city, town, school district, or other political subdivision or taxing district of the state, who purchases materials, supplies, goods, wares, merchandise, or produce, or procures services in behalf of the state or such state agency, political subdivision, or taxing district, shall purchase blind-made articles and products and procure blind labor, as each term is defined in section 325F.47, whenever they are available on terms at least as advantageous to the purchaser as are articles, products, and services available from other sources.

**History:** 1967 c 414 s 1; 1973 c 123 art 5 s 7

**248.08** [Repealed, 1986 c 337 s 14]

**248.09** [Repealed, 1976 c 271 s 98 subd 2]

#### **248.10 COUNCIL FOR THE BLIND.**

Subdivision 1. **Membership.** The Minnesota council for the blind consists of nine members appointed by the commissioner to four-year terms. At least five of the council members must be blind or visually handicapped.

Subd. 2. **Removal; vacancies.** The compensation, removal of members, and filling of vacancies on the council are as provided in section 15.0575.

Subd. 3. **Duties.** The council shall:

(1) advise the commissioner on the qualifications for the director of services for the blind;

(2) advise the commissioner on the development of policies, programs, and services affecting the blind and visually impaired, and on the use of appropriate federal money;

(3) advise the commissioner on policies relating to eligibility determinations;

(4) create a public awareness of the special needs and potential of blind and visually impaired persons; and

(5) provide the commissioner with a review of ongoing services, programs, and proposed legislation affecting the blind and visually impaired.

**History:** 1Sp1985 c 14 art 9 s 14; 1988 c 629 s 48; 1989 c 106 s 2; 1992 c 470 s 4

#### **248.11 RECOUPMENT OF SERVICES AND EQUIPMENT.**

Subdivision 1. **Erroneous payments.** If a recipient receives monetary assistance as a rehabilitation service from services for the blind and visually handicapped in excess of that to which the recipient is entitled by law, services for the blind and visually handicapped shall, as soon as it discovers the amount of the erroneous payment, notify the recipient to return the same in accordance with rules adopted by the commissioner. Unless the recipient files an appeal under section 248.07, subdivision 15, within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, the determination of overpayment shall be considered final. If the recipient files a timely appeal, the determination shall not be considered final until the recipient's administrative appeal remedies are exhausted. Services for the blind and visually handicapped may recoup overpayments considered final under this subdivision by deducting the amount or a part of the overpayment from future monetary assistance payments to the recipient or by civil action in the name of the commissioner. Overpayments made more than three years prior to discovery of the error are not recoverable under this subdivision.

**Subd. 2. Recovery of equipment.** If a recipient retains equipment to which services for the blind and visually handicapped has title after the recipient's right to possess the equipment has expired, services for the blind and visually handicapped shall notify the recipient to return the same or execute a new lease to the equipment if the equipment is still necessary to the recipient's rehabilitation. Unless the recipient returns the equipment, executes and complies with a new lease to the equipment or appeals under section 248.07, subdivision 15 within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, services for the blind and visually handicapped may institute a civil action to recover the equipment or the reasonable value of the equipment.

**History:** 1986 c 337 s 13