

IN THE SENATE

SENATE BILL NO. 1330, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EXTENDED EMPLOYMENT SERVICES; AMENDING TITLE 33, IDAHO CODE, BY
2 THE ADDITION OF A NEW CHAPTER 62, TITLE 33, IDAHO CODE, TO DEFINE TERMS,
3 TO ESTABLISH AN EXTENDED EMPLOYMENT SERVICES PROGRAM, TO PROVIDE ELI-
4 GIBILITY REQUIREMENTS AND TO PROVIDE FOR PERIODIC REVIEW OF ELIGIBIL-
5 ITY, TO PROVIDE FOR COVERED SERVICES AND AN INDIVIDUAL PROGRAM PLAN, TO
6 ESTABLISH PROVISIONS REGARDING PROVIDERS OF EXTENDED EMPLOYMENT SER-
7 VICES, AND TO PROVIDE FOR PROGRAM IMPLEMENTATION.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
12 ter 62, Title 33, Idaho Code, and to read as follows:

13 CHAPTER 62

14 EXTENDED EMPLOYMENT SERVICES PROGRAM

15 33-6201. DEFINITIONS. As used in this chapter:

16 (1) "Board" means the state board of education.

17 (2) "Disability" means a developmental disability as defined in 45 CFR
18 1325.3 or a learning disability, mental illness, or traumatic brain injury
19 as defined in board rule.

20 (3) "Division" means the division of vocational rehabilitation.

21 (4) "Extended employment services" or "EES" means long-term main-
22 tenance services that assist participants in maintaining employment or
23 gaining employment skills in preparation for community employment or that
24 provide assistance to adult participants within an industry or a business
25 setting or a community rehabilitation program intended to maintain paid
26 employment. Extended employment services include individual supported em-
27 ployment, group community-based supported employment, and work services.

28 (5) "Group community-based supported employment" means self-employ-
29 ment or paid employment that is:

30 (a) For a group of no more than eight (8) participants who are paid at
31 least minimum wage and who, because of their disabilities, need ongoing
32 support to maintain employment;

33 (b) Conducted in a variety of community and industry settings where the
34 participants have opportunities to interact with coworkers or others
35 without known paid work supports at least to the extent that those op-
36 portunities typically exist in that work setting;

37 (c) Supported by training and supervision needed to maintain that em-
38 ployment; and

39 (d) Not conducted in the work services area of a provider.

40 (6) "Individual community-supported employment" means self-employ-
41 ment or paid employment:

- 1 (a) For which a participant is paid a competitive wage;
 2 (b) For which the participant, because of the participant's disabili-
 3 ty, needs ongoing support to maintain the employment;
 4 (c) That is conducted in a community or industry setting where persons
 5 without known paid work supports are employed; and
 6 (d) Is supported by authorized activities needed to sustain paid work
 7 by persons with disabilities, including but not limited to supervision,
 8 training, and transportation.
- 9 (7) "Individual program plan" means a plan for extended employment ser-
 10 vices appropriate for an individual participant based on the participant's
 11 needs and personal goals.
- 12 (8) "Participant" means a person eligible for and enrolled in the ex-
 13 tended employment services program established pursuant to section 33-6202,
 14 Idaho Code.
- 15 (9) "Program" means the extended employment services program estab-
 16 lished pursuant to section 33-6202, Idaho Code.
- 17 (10) "Provider" means a community rehabilitation program services
 18 provider approved by the division to provide extended employment services.
- 19 (11) "Work services" means activities, typically conducted on provider
 20 premises, intended to assist participants in understanding the value and de-
 21 mands of work and developing functional capacities that increase or maintain
 22 the skill sets of participants to achieve and maintain employment.

23 33-6202. PROGRAM ESTABLISHED. (1) There is hereby established in the
 24 board an extended employment services (EES) program for the purpose of in-
 25 creasing employment opportunities for program participants. The program
 26 shall be administered by the division. Extended employment services offered
 27 under the program are separate and apart from any federal program but may
 28 be collaborative with and supportive of federal programs. Administrative
 29 costs charged to the EES program shall be limited, subject to federal indi-
 30 rect cost rate matching requirements, and subject to audit and review.

- 31 (2) Program services shall be:
 32 (a) Provided when eligible individuals do not have access to comparable
 33 services or have fully utilized comparable services for which they are
 34 eligible; and
 35 (b) Separate and apart from and delivered subsequent to vocational re-
 36 habilitation services as defined in 29 U.S.C. 705(40), provided by the
 37 division.

38 33-6203. ELIGIBILITY. (1) A person is eligible to participate in the
 39 program if the person:
 40 (a) Has a disability that constitutes a barrier to maintaining paid em-
 41 ployment without long-term vocational support;
 42 (b) Is sixteen (16) years of age or older; and
 43 (c) Is an Idaho resident.

44 (2) The division may periodically review a participant's eligibility
 45 and service level need for the program.

1 33-6204. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1) Subject to
2 available funding, the program shall provide the following services to par-
3 ticipants, as appropriate:

- 4 (a) Individual community-supported employment;
- 5 (b) Group community-based supported employment; and
- 6 (c) Work services.

7 (2) The services provided to a participant shall be based on the partic-
8 ipant's individual program plan, as developed according to board rule.

9 33-6205. EES PROVIDERS -- REQUIREMENTS -- REVOCATION OF APPROVAL --
10 AGREEMENT REVIEW. (1) The division shall approve any person or entity before
11 such person or entity may provide extended employment services under the
12 program. The division shall enter an agreement with each program provider.
13 The agreement shall specify:

- 14 (a) Requirements for the provider;
- 15 (b) Services to be offered by the provider;
- 16 (c) Scope of work under the agreement;
- 17 (d) Service fees; and
- 18 (e) Other terms, conditions, and provisions as determined by the divi-
19 sion and agreed to by the provider.

20 (2) The division may terminate or revoke the approval status and dis-
21 continue authorizing or purchasing services from providers for actions in
22 violation of the agreement or rules promulgated by the board.

23 (3) A provider agreement shall be reviewed annually and is subject to
24 revision as required by the division in cooperation with providers.

25 33-6206. PROGRAM IMPLEMENTATION. The board is hereby authorized to
26 take such actions as are necessary to implement the provisions of this chap-
27 ter, including promulgation of necessary rules.