163.470 Office for the Blind.

(1) There is created within the Education and Workforce Development Cabinet the Office for the Blind.

(2) The executive director shall be appointed by the secretary of the Education and Workforce Development Cabinet pursuant to KRS 12.050.

(3) The office shall be the state agency responsible for all rehabilitation services for the blind and the visually impaired and other services as deemed necessary. The office shall be the agency authorized to expend all state and federal funds designated for rehabilitation services for the blind and visually impaired. The Office of the Secretary of the Education and Workforce Development Cabinet is authorized as the state agency to receive all state and federal funds and gifts and bequests for the benefit of rehabilitation services for the blind and visually impaired. The State Treasurer is designated as the custodian of all funds and shall make disbursements for rehabilitation purposes upon certification by the executive director.

(4) (a) The Kentucky Office for the Blind State Rehabilitation Council is hereby created and established to accomplish the purposes and functions enumerated in the Rehabilitation Act of 1973, as amended. Members of the council shall be appointed by the Governor from recommendations submitted by the Office for the Blind consistent with the federal mandate to include a majority of individuals who are blind or visually impaired representing specified organizations, service providers, and advocacy groups. The composition, qualifications, and terms of service of the council shall conform to those prescribed by the federal law. There shall be statewide representation on the council.

(b) 1. Except as provided in subparagraph 2. of this paragraph, any vacancy occurring in the membership of the Office for the Blind State Rehabilitation Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members of the council.

2. The Governor may delegate the authority to fill a vacancy to the remaining voting members of the council.

(c) Each member of the Office for the Blind State Rehabilitation Council may receive a per diem of one hundred dollars ($100), not to exceed six hundred dollars ($600) annually, for each regular or special meeting attended if the member is not employed or must forfeit wages from other employment. Each member may have travel expenses approved at the established state rate and expenses reimbursed at the established state agency rate for services such as personal assistance, child care, and drivers for attendance at council meetings, and in the performance of duties authorized by the Kentucky Office for the Blind State Rehabilitation Council. The per diem and expenses shall be paid out of the federal funds appropriated under the Rehabilitation Act of 1973, as amended.

(5) The office shall establish and implement policies and procedures for the carrying

out of the program of services for the blind.

(6) At the close of each biennium, the office shall prepare a financial report and present it to the secretary of the Education and Workforce Development Cabinet and to the Governor. The biennial report shall be published. The biennial report shall also contain a precise review of the work of the office and contain necessary suggestions for improvement.

(7) The office shall coordinate its functions with other appropriate public and private agencies.

(8) The office shall perform all other duties as required of it by law.

(9) The executive director shall hire personnel as necessary to carry out the work of the office and the provisions of KRS 163.450 to 163.470. Preference shall be given to hiring qualified blind persons.

(10) There shall be created under the authority of the office, to be directed by a director appointed by the secretary of the Education and Workforce Development Cabinet pursuant to KRS 12.050, a Division of Consumer Services which shall provide intake and rehabilitation counseling services; distribute or sell technical educational and other aids to the blind; provide educational materials such as recorded texts, braille or large-type texts, or such other materials as may be deemed necessary for the education of the blind; research into the development of new technical aids for the blind, mobility training, work evaluation, personal adjustment, independent living, and other services as needed for blind adults, and services for the blind who have other disabilities; and promote employment of the blind in public and private sectors.

(11) There shall be established under the authority of the office, to be directed by a director appointed by the secretary pursuant to KRS 12.050, the Division of Kentucky Business Enterprise. This division shall manage and supervise the Vending Facilities Program and license qualified blind persons as vendors. In connection therewith, the office shall be authorized to own or lease vending equipment for the operation of vending facilities in federal, state, private, and other buildings. The set-aside charges levied shall comply with the existing federal regulations as specified in 34 CFR 395.9. One (1) or more facility placement agents shall be employed to locate and establish additional vending facilities. The Office for the Blind shall make such surveys as may be deemed necessary to determine the vending facility opportunities for blind vendors in state buildings or on other property owned, leased, or otherwise occupied by the state government and shall install vending facilities in suitable locations on such property for the use of the blind. All of the net income from vending machines which are on the same property as a vending facility shall be paid to the blind vendor of the vending facility. Whenever there exists a conflict of interest between state agencies seeking to vend merchandise on the same state property, the agencies shall negotiate a fair agreement which shall protect the interest of both from unreasonable competition. The agreement shall be submitted to the custodial authority having jurisdiction over the property for approval. Provided, however, that in all situations the blind vendor shall be permitted to vend all items of merchandise customarily sold at similar

vending facilities.

(12) The Office for the Blind, at all times, shall be authorized to provide industrial evaluation, training, and employment. The office shall provide staff services which shall include staff development and training, program development and evaluation, and other staff services as may be deemed necessary.

(13) The provisions of any other statute notwithstanding, the executive director is authorized to use receipt of funds from the Social Security reimbursement program for a direct service delivery staff incentive program. Incentives may be awarded if case service costs are reimbursed for job placement of Social Security or Supplemental Security Income recipients at the Substantial Gainful Activity (SGA) level for nine (9) months pursuant to 42 U.S.C. sec. 422 and under those conditions and criteria as are established by the federal reimbursement program.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 11, sec. 53, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 211, sec. 93, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 125, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 33, sec. 2, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 49, sec. 2, effective July 15, 1994; ch. 126, sec. 3, effective July 15, 1994; ch. 363, sec. 10, effective July 15, 1994; and ch. 469, sec. 37, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 470, sec. 57, effective July 1, 1990. -- Amended 1988 Ky. Acts ch. 265, sec. 1, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 353, sec. 2, effective July 15, 1982; and ch. 381, sec. 9, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 377, sec. 3.