



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 3/27/97
Time: 1:00 pm
Rec'd by: [Signature]
Print Name: [Signature]

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By D-T-H
Time 3:30 pm
Date 3/27/97

MAR 26 1997

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

**Refer to
Legislative Secretary**

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 18 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 41 OF TITLE 17, GUAM CODE ANNOTATED; TO REPEAL P.L. 20-213; TO AMEND §50111(c) OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND §§3401.1(e) AND (h) OF TITLE 16, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 24-16**.

I am very pleased to sign this landmark legislation which will finally create the framework for an umbrella of assistance to shield and assist members of our disabled community. While similar in intent to the 23rd Legislature's Bill 735, this legislation corrects fatal flaws included in the earlier bill which forced me to veto it. Those flaws would have cut off federal funds, and instead of helping our disabled citizens, it would have hurt them.

This legislation repeals the Department of Vocational Rehabilitation statute and creates a new Department of Integrated Services for Individuals with Disabilities (DISID) effective October 1, 1997. Two divisions and two supporting councils are created within DISID: the Division of Vocational Rehabilitation (DVR) and Rehabilitation Advisory Council, and the Division of Support Services for Individuals with Disabilities (DSSID) and the Division of Support Services for Individuals with Disabilities Council (DSSIDC). By coordination of the providing and implementing of services for persons with disabilities, DISID will eliminate the fragmentation and confusion that presently exists.

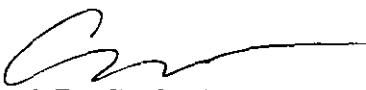
Although this legislation will provide many benefits, I urge the Legislature to address the following concerns to ensure that our disadvantaged citizens receive the fullest measure of assistance and services the law can provide:

Following completion of the transition process, **Section 7**, page 47, lines 20-22, directs the DSSIDC members to begin duties and powers as outlined in **§41311** of this legislation. Unfortunately, **§41311** does not exist. This reference should be corrected to read "**§41310**," which is the proper subsection and contains a listing of the powers of DSSIDC.

There is a need to amend **§41302 (d)** on page 35, to identify the specific roles to be played by DISID and the Department of Mental Health and Substance Abuse regarding individuals with mental illness. Such an amendment would insure that efforts and expenditures are not duplicated.

Because of their employment-related functions, the Department of Labor should be included on the RAC as an ex-officio member because of the critical role they play in the employment-related functions.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment

00103

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 18 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER 41 OF TITLE 17, GUAM CODE ANNOTATED; TO REPEAL P.L. 20-213; TO AMEND §50111(c) OF TITLE 5, GUAM CODE ANNOTATED; TO AMEND §§3401.1(e) AND (h) OF TITLE 16, GUAM CODE ANNOTATED," was passed on the 8th day of March, 1997, duly and regularly passed.



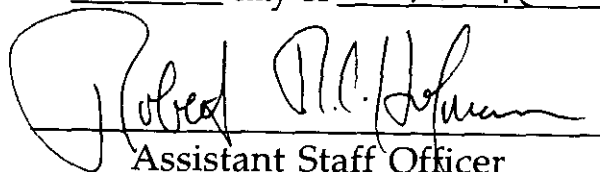
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 14th day of March,
1997, at 4:55 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 3-26-97
Public Law No. 26-16

**Twenty-Fourth Guam Legislature
1997 (First) Regular Session**

Bill No. 18 (COR)

As substituted by the Committee on Rules,
Government Reform & Federal Affairs,
and further substituted on the floor.

Introduced by:

L. Leon Guerrero
J. WonPat-Borja
V. C. Pangelinan
A. R. Unpingco
Mark Forbes
T. C. Ada
A C. Blaz
F. B. Aguon, Jr.
E. Barrett-Anderson
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
L. F. Kasperbauer
A. C. Lamorena, V
C. M. Leon Guerrero
J. C. Salas
A. L.G. Santos
F. E. Santos

**AN ACT TO REPEAL AND REENACT CHAPTER 41 OF TITLE
17, GUAM CODE ANNOTATED; TO REPEAL P.L. 20-213; TO
AMEND §50111(c) OF TITLE 5, GUAM CODE ANNOTATED;
TO AMEND §§3401.1(e) AND (h) OF TITLE 16, GUAM CODE
ANNOTATED.**

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF**
2 **GUAM:**

1 **Section 1. Legislative Intent.** The Guam Legislature finds that there
2 are agencies and organizations on Guam, both private and public, that
3 have the responsibility with providing, planning, supporting employment
4 services and implementing a wide spectrum of services for persons with
5 disabilities. But, because of the fragmentation and lack of coordination of
6 these services, it becomes difficult for these agencies, organizations,
7 friends and families of persons with disabilities to utilize them to its fullest
8 potential. The problems are compounded with the fact that there is no
9 department directly responsible to address the overall issues of persons
10 with disabilities.

11 The Guam Legislature further finds that on a national average, ten
12 percent (10%) of the population is disabled. Although some data is
13 collected, there is no central data system to accurately determine the
14 number of persons with disabilities on Guam. However, the increased
15 need for services for persons with disabilities is reflected by the long
16 waiting lists accumulated by various agencies and organizations.

17 Furthermore, the Guam Legislature supports the enhancement of
18 children's services. Children, regardless of the severity of their disability,
19 need families and endearing relationships with adults in a nurturing home
20 environment. Children with disabilities benefit by growing up in their own
21 families; families benefit from staying together; and the community can
22 benefit from the diversity that is provided when people with varying
23 abilities are included.

24 The Guam Legislature realizes that there is lack of adequate and
25 coordinated services for persons with disabilities, especially over the age
26 of twenty-one (21). These services could include day activities and

1 expanded respite care to assist families with relief and minimize the stress
2 associated with caring for a person with a disability.

3 The Guam Legislature believes that our community could better
4 advocate for persons with disabilities by improving existing services and
5 establishing for new services. It is the right of every individual on Guam,
6 especially a person with a disability, to demand equality and be recognized
7 as a contributing participant in the Territory of Guam. There is a lack of
8 awareness of the real needs of a person with a disability, and it is our
9 responsibility as a community to educate ourselves and others to make the
10 difference.

11 The Guam Legislature fully supports family preservation and any
12 initiatives that would reduce off-island treatment of a person with
13 disabilities to a minimum in an effort to bring families together. Presently,
14 children and adolescents with serious emotional disorders are sent to off-
15 island facilities away from their families because of the inadequate lack of
16 services available to them on Guam. These same individuals usually have
17 special and multiple needs because of mental retardation or other
18 organic/physical disabilities. These "dual-diagnosed children and
19 adolescents" are part of the target population that can benefit from an
20 agency with clear mandates of responsibility to develop gaps in services
21 for those with disabilities. Clearly, there is a need to develop a range of
22 services to support the comprehensive needs of children with all
23 disabilities (these same children grow up to be our adults with disabilities)
24 so as to support treatment on Guam and/or facilitate their return back to
25 Guam in the shortest time possible. The Guam Legislature recognizes the
26 need for effective family support services that are designed and provided
27 with respect and responsiveness to the unique needs, strengths and

1 cultural values of each family, and the family 's expertise regarding its
2 own needs.

3 Therefore, it is the intent of the Guam Legislature to improve
4 services for persons with disabilities by creating and establishing a
5 designated agency as a single point of entry to provide, promote and
6 ensure a full continuum of lifelong programs and services that allow for
7 independence, productivity and inclusion into the community. As created,
8 this agency shall build partnerships with the local and federal government
9 and recognize the efforts of all organizations and agencies associated with
10 providing quality services to persons with disabilities.

11 **Section 2.** Chapter 41 of Title 17 Guam Code Annotated, is hereby
12 repealed and reenacted as follows:

13 **"Chapter 41**

14 **Article 1**

15 **§41101. Department.** There is within the government of Guam an
16 entity entitled "The Department of Integrated Services for Individuals
17 with Disabilities (DISID)," which shall serve as a public service to
18 coordinate and provide vocational rehabilitation and comprehensive
19 community services for eligible individuals with disabilities.

20 **§41102. Definitions.** For the purposes of this Chapter:

21 (a) **Department** means "The Department of Integrated Services
22 for Individuals with Disabilities ("DISID")."

23 (b) **Director** means the Director of "The Department of Integrated
24 Services for Individuals with Disabilities ("DISID")." The Director will be
25 appointed by the Governor and confirmed by the Guam Legislature.

26 **§41103. Duties of DISID.**

1 (a) The DISID can accept grants, gifts, contributions and
2 appropriations.

3 (b) The DISID shall conduct and provide for staff development,
4 public education, and community awareness activities on the problems,
5 needs, potentials, and rights of the individuals with disabilities through
6 affirmative public education programs, including conferences, workshops
7 and forums.

8 (c) The DISID shall serve as a central clearing house for public
9 and private activities, which address the needs of persons with disabilities
10 in Guam, review grant applications as related to the Division of Support
11 Services for Individuals with Disabilities, proposed state plans and
12 program descriptions in matters affecting persons with disabilities prior to
13 submittal for the Governor's approval, and serve as a repository and
14 disseminator of program information relating to persons with disabilities.

15 (d) The DISID shall review, assess and make recommendations
16 addressing problems and needs and the availability of adequate services
17 and resources for persons with disabilities in Guam through research and
18 studies with regard to but not limited to employment, education, health,
19 social services, recreation, civil rights, public facilities, housing, vocational
20 training and rehabilitation, transportation and other matters pertinent to
21 the well-being and independence of persons with disabilities, and to
22 publicize the results thereof.

23 (e) The DISID shall compile and maintain a data base on the
24 incidence of disabling conditions and number of persons with disabilities in
25 Guam, and on resources allocated to address the needs of persons with
26 disabilities.

1 (f) The DISID shall develop short and long-term plans to meet the
2 needs of individuals with disabilities through facilitating the coordination
3 of services and programs in collaboration with other organizations and/or
4 agencies, whether they are community, public and/or private.

5 (g) The DISID shall be the state agency to supervise and
6 administer the vocational rehabilitation services authorized by this
7 Chapter under the state plan formulated in conformance with the Federal
8 Vocational Rehabilitation Act, as amended, except for that part, as may be
9 administered by a local agency of a political subdivision in the State, and
10 DISID shall be the agency to supervise the local agency in the
11 administration of that part.

12 (h) The DISID shall submit a detailed report on its activities and
13 responsibilities to the Governor and the Speaker of the Guam Legislature
14 on January 1 of each year, and for the previous fiscal year, and publish its
15 availability for review to the public.

16 (i) The DISID shall implement Quality Assurance Programs to
17 assure compliance of all public and private entities consistent with
18 applicable local and federal statutes pertaining to individuals with
19 disabilities.

20 (j) The DISID shall be designated as the state agency to
21 administer the state plan for vocational rehabilitation services and
22 services for adults who are blind.

23 (k) The DISID shall implement, consistent with applicable local
24 and federal statutes, a fair, timely and impartial grievance procedure to
25 provide administrative due process and recourse for individuals aggrieved
26 by any action or failure to act on the part of the department under this Act.

1 (l) Design and implement an information and referral system for
2 easy accessibility for individuals with disabilities and others who may
3 benefit from services of DISID and availability of other services.

4 §41104. **Staff.** The DISID shall hire staff to assist in the
5 performance of its duties in compliance with Title 4, Guam Code
6 Annotated, and personnel rules and regulations.

7 §41105. **Other Programs/Services.** DISID will review annually the
8 needs for new systems, or improvement of existing systems. DISID shall
9 create and advocate for the expansion of programs and services and other
10 systems as required to implement the services necessary for persons with
11 disabilities.

12 **Article 2**

13 §41201. **Division.** There is within the Department of Integrated
14 Services for Individuals with Disabilities (DISID), a Division of
15 Vocational Rehabilitation (DVR) which shall, as a public service, provide
16 vocational rehabilitation services to eligible individuals with disabilities,
17 and which shall be designated as the designated state unit to administer
18 the state plan for vocational rehabilitation services and for the blind.

19 (a) (1) DVR may cooperate with other departments, agencies,
20 and institutions, both public and private, in providing the services
21 authorized by the Division to individuals with disabilities in studying
22 the problems involved therein, and in establishing, developing, and
23 providing, in conformity with the purposes of the DVR such
24 programs, facilities, and services as may be necessary or desirable.

25 (2) Cooperation may include contracts and cost-sharing
26 agreements, to the extent permitted by the Rehabilitation Act of 1973

1 (P.L. 93-112), as amended, and the implementing Federal
2 regulations.

3 (3) Within the scope of the Federal Rehabilitation Act,
4 through cooperative agreements with other public agencies, DVR
5 shall be consistent with their approved state plan. To provide these
6 services, with the provisions of Federal law, DVR and other
7 agencies shall share facilities, utilize existing eligibility and
8 assessment information, participate in cross-training for agencies
9 participating in cooperative programs, and engage in other
10 cooperative activities to reduce duplication of services, and to
11 provide a new enhanced pattern of vocational rehabilitation services
12 for persons with disabilities.

13 (b) DVR may cooperate with Department of Education and with
14 the public post-secondary education system to provide instruction,
15 individual counseling and guidance, and related rehabilitation services for
16 eligible students with disabilities.

17 (c) DVR and the Department of Education will coordinate efforts
18 in assisting vocational orientation of students with disabilities.

19 (d) In performing any rehabilitative services or in contracting with
20 other public or private agencies for rehabilitative services, DVR shall take
21 into consideration the needs of non-English-speaking persons with
22 disabilities and shall provide language assistance consistent with the
23 approved state plan to those individuals participating in the Division's
24 public or private rehabilitation programs.

25 (e) To the extent funds are available, DVR also shall take into
26 consideration the needs of persons with disabilities who rely on alternate
27 modes of communication; such as manual communication, tactile, oral and

1 nonverbal communication devices; and shall provide communication
2 assistance to those individuals participating in DVR's programs consistent
3 with the approved state plan.

4 (f) DVR shall conduct strategic planning which may include
5 research and compilation of statistics, relating to the provision of services
6 or the need of services by persons with disabilities.

7 (g) Financial need shall be considered in the furnishing or denial of
8 services in accordance with the approved state plan.

9 (h) Pursuant to Federal law, DVR may conduct an evaluation, when
10 necessary, including, but not limited to, diagnostic and related services
11 necessary to determine eligibility for vocational rehabilitation services and
12 for choosing rehabilitation goals, objectives and services.

13 (i) Pursuant to Federal law, DVR shall establish a priority order to
14 be followed in selecting individuals to whom vocational rehabilitation
15 services will be provided, consistent with the approved state plan.

16 (j) License blind individuals to operate vending stands, under its
17 supervision and control, property of the government of Guam and on
18 Federal or other property, pursuant to the Randolph-Sheppard Act or any
19 other Act of Congress relating to the subject; supervise the operation of
20 vending stands and other small businesses established pursuant to this
21 Chapter to be operated by persons with severe disabilities.

22 **§41202. Definitions.** For the purpose of this Article:

23 (a) **Council** means the Rehabilitation Advisory Council (RAC) for
24 Division of Vocational Rehabilitation (DVR).

25 (b) **Division** means the Division of Vocational Rehabilitation
26 (DVR).

1 (c) **Administrator** means the Administrator of the Division of
2 Vocational Rehabilitation (DVR), who shall be an ex-officio non-voting
3 member of the RAC. The Administrator must have at least a bachelors
4 degree in Special Education, Vocational Rehabilitative Counseling
5 Services or related subject, and at least four (4) years of experience in
6 vocational rehabilitation service or related service dealing with persons
7 with disabilities of which two (2) years shall be administrative. The
8 position shall be of the classified service of the government of Guam. The
9 position Classification Standard and Compensation shall be established by
10 the Civil Service Commission.

11 (d) **Individual with a Disability** means any individual who:

12 (1) Has a physical or mental impairment which for this
13 individual constitutes or results in a substantial impediment to
14 employment, and can benefit in terms of an employment outcome
15 through the provision of vocational rehabilitation services provided,
16 pursuant to Title I, III, VI, or VIII of the Vocational Rehabilitation Act
17 of 1973, as amended.

18 (2) Can benefit in terms of an employment outcome from
19 vocational rehabilitation services provided pursuant to this Chapter.

20 (e) **Individual with a Severe Disability** means an individual with a
21 disability who has a severe physical or mental impairment, which seriously
22 limits one or more functional capacities as defined by the Vocational
23 Rehabilitation Act, as amended.

24 (f) **Vocational Rehabilitation Services** means those services
25 identified in this Article, to include services identified in the approved state
26 plan. All expenses for the purposes of these services will not be restricted
27 or included under capital outlay.

1 (g) **Supported Employment** means competitive work in integrated
2 work settings for individuals with the severe disabilities for whom
3 competitive employment has not traditionally occurred; or for whom
4 competitive employment has been interrupted or intermittent as a result of
5 a severe disability; and who, because of the nature and severity of their
6 disability, need intensive supported employment services for the period,
7 and any extended services to include transitional employment for persons
8 who are individuals with the most severe disabilities due to mental illness.

9 (h) **Nonprofit** when used with respect to a rehabilitation facility
10 means a rehabilitation facility which is owned and operated by a corpo-
11 ration or association, no part of the net earnings of which accrues or may
12 lawfully accrue, to the benefit of any private shareholder or individual,
13 and the income of which is exempt from taxation under §501(c)(3) of the
14 Internal Revenue Code of 1954.

15 (i) **Assessment for determining eligibility and vocational**
16 **rehabilitation needs** means, to determine whether an individual is eligible
17 for vocational rehabilitation services; and to the extent additional data is
18 necessary to make such determination, a preliminary assessment of such
19 data, including the provision of goods and services during such
20 assessment; to the extent additional data is necessary, a comprehensive
21 assessment, including the administration of the assessment, of the unique
22 strengths, resources, priorities, interests and needs, including the need for
23 supported employment, of an eligible individual to make a determination
24 of the goals, objectives, nature and scope of vocational rehabilitation
25 services to be included in the individualized written rehabilitation program
26 of the individual, which comprehensive assessment is limited to
27 information that is necessary to identify the rehabilitation needs of the

1 individual to develop the rehabilitation program of the individual; uses, as
2 a primary source of such information, to the maximum extent possible and
3 appropriate and in accordance with confidentiality requirements - existing
4 information; and such information as can be provided by the individual
5 and , where appropriate, by the family of the individual; may include, to
6 the degree needed to make such a determination, an assessment of the
7 personality, interests, interpersonal skills, intelligence and related
8 functional capacities, educational achievements, work experience,
9 vocational aptitudes, personal and social adjustments and employment
10 opportunities of the individual, and the medical, psychiatric, psychological
11 and other pertinent vocational, educational, cultural, social, recreational
12 and environmental factors, that affect the employment and rehabilitation
13 needs of the individual and may include an appraisal of the patterns of
14 work behavior of the individual and services needed for the individual to
15 acquire occupational skills, and to develop work attitudes, work for
16 successful job performance, including the utilization of work in real job
17 situations to assess and develop the capacities of the individual to perform
18 adequately in a work environment; and referral; the provision of
19 vocational rehabilitation services to an individual for a total period not in
20 excess of eighteen (18) months for the limited purpose of making
21 determinations regarding whether an individual is eligible for vocational
22 rehabilitation services and regarding the nature and scope of vocational
23 rehabilitation services needed for such individual; and an assessment at
24 least once every ninety (90) day period during which such services are
25 provided, of the results of the provision of such services to an individual to
26 ascertain whether any of the determinations described may be made.

1 (j) **State** means any one of the several states, territories or
2 possessions of the United States.

3 (k) **Community Rehabilitation Program** means a program that
4 provides directly or facilitates the provision of vocational rehabilitation
5 services to individuals with disabilities, and that provides, singly or in
6 combination, for an individual with a disability to enable the individuals to
7 maximize opportunities for employment, including career advancement:

8 (1) Comprehensive rehabilitation services which shall include,
9 under one management, medical, psychological, social, and
10 vocational services.

11 (2) Testing, fitting or training in the use of prosthetic and
12 orthotic devices.

13 (3) Recreation therapy.

14 (4) Physical and occupational therapy.

15 (5) Speech, language and hearing therapy.

16 (6) Psychiatric, psychological and social services.

17 (7) Personal and work adjustment.

18 (8) Vocational training, in combination with other
19 rehabilitation services.

20 (9) Evaluation or control of special disabilities.

21 (10) Assessment for determining eligibility and vocational
22 needs, including evaluation for supported employment,
23 development, and placement in jobs.

24 (11) Development of, and placement in jobs.

25 (12) Job coaching services to enable a person with disabilities to
26 obtain or maintain supported or competitive employment.

1 (13) Extended employment for persons with severe disabilities
2 who cannot be readily absorbed into the competitive labor market.

3 (14) Personal assistance services.

4 (l) **Vocational Rehabilitation Services** when provided to and
5 individual means any one or any combination of the following services:

6 (1) an assessment for determining eligibility and vocational
7 rehabilitation needs by qualified personnel, including, if appropriate,
8 assessment by personnel skilled in rehabilitation technology;

9 (2) counseling, guidance, and work-related placement
10 services for individuals with disabilities, including job search
11 assistance, placement assistance, job retention services, personal
12 assistance services and follow-up, follow-along, and specific post
13 employment services necessary to assist such individuals to
14 maintain, regain or advance in employment;

15 (3) vocational and other training services for individuals with
16 disabilities, which shall include personal and vocational adjustment,
17 books or other training materials, and such services to the families of
18 such individuals as are necessary to the adjustment or rehabilitation
19 of such individuals, except that no training services in institutions of
20 higher education shall be paid for with basic support Federal funds
21 unless maximum efforts have been made to secure grant assistance,
22 in whole or in part, from other sources to pay for such training;

23 (4) physical and mental restoration services, including, but not
24 limited to,

25 (a) corrective surgery or therapeutic treatment
26 necessary to correct or substantially modify a physical or mental
27 condition which is stable or slowly progressive and constitutes

1 an impediment to employment, but is of such nature that such
2 correction or modification may reasonably be expected to
3 eliminate or reduce such impediment to employment within a
4 reasonable length of time,

5 (b) prosthetic and orthotic devices,

6 (c) eyeglasses and visual services, as prescribed by
7 qualified personnel under Guam licensure laws,

8 (d) special services, including transplantation and
9 dialysis, artificial kidneys and supplies necessary for the
10 treatment of individuals with end-stage renal disease, and

11 (e) diagnosis and treatment for mental and emotional
12 disorders by qualified personnel under Guam licensure laws;

13 (5) maintenance for costs incurred while participating in
14 rehabilitation;

15 (6) interpreter services for individuals who are deaf, and
16 reader services for those individuals determined to be blind after an
17 examination by qualified personnel under Guam licensure laws;

18 (7) recruitment and training services for individuals with
19 disabilities to provide them with new employment opportunities in
20 the fields of rehabilitation, health, welfare, public safety and law
21 enforcement, and other appropriate service employment;

22 (8) rehabilitation teaching services and orientation and
23 mobility services for individuals who are blind;

24 (9) occupational licenses, tools, equipment and initial stocks
25 and supplies;

26 (10) transportation in connection with the rendering of any
27 vocational rehabilitation service;

1 (11) telecommunication, sensory and other technological aids
2 and devices;

3 (12) rehabilitation technology services;

4 (13) referral and other services designed to assist individuals
5 with disabilities in securing needed services from other agencies
6 through agreements developed, if such services are not available
7 under the Rehabilitation Act of 1973, as amended;

8 (14) transition services that promote or facilitate the
9 accomplishment of long-term rehabilitation goals and intermediate
10 rehabilitation objectives;

11 (15) on-the-job training or other related personal assistance
12 services provided while an individual with a disability is receiving
13 vocational rehabilitation services;

14 (16) supported employment services; and

15 (17) vocational rehabilitation services, when provided for the
16 benefit of groups of individuals, may also include the following:

17 (i) in the case of any type of small business operated by
18 individuals with the most severe disabilities, the
19 operation of which can be improved by management
20 services and supervision provided by the
21 Department, the provision of such services and
22 supervision, along or together with the acquisition of
23 equipment and initial stocks and supplies;

24 (ii) the establishment, development, or improvement of
25 community rehabilitation programs, including under
26 special circumstances, the construction of a facility,
27 and the provision of other services, including

1 services offered at community rehabilitation
2 programs, which promise to contribute substantially
3 to the rehabilitation of a group of individuals, but
4 which are not related directly to the individualized
5 rehabilitation written program of any one individual
6 with a disability. Such programs shall be used to
7 provide services that promote integration and
8 competitive employment;

9 (iii) use of existing telecommunications systems,
10 including telephone, television, satellite, radio, and
11 other similar systems, which have the potential for
12 substantially improving service delivery methods,
13 and the development of appropriate programming
14 to meet the particular needs of individuals with
15 disabilities;

16 (iv) the use of services providing recorded material for
17 individuals who are blind and captioned films or
18 video cassettes for individuals who are deaf; and

19 (v) technical assistance and support services to
20 businesses that are subject to Title I of the Americans
21 with Disabilities Act of 1990 (42 U.S.C. §12111 *et seq.*)
22 and that are seeking to employ individuals with
23 disabilities.

24 (m) **Designated State Unit or State Vocational Rehabilitation**
25 **Agency** means the designated state unit, which is the Division of
26 Vocational Rehabilitation (DVR), designated to develop and administer
27 the State Plan for Vocational Rehabilitation Services.

1 (n) **State Plan** means the annual State Plan for Vocational
2 Rehabilitation Services, or the vocational rehabilitation services part of a
3 consolidated rehabilitation plan for vocational rehabilitation. In order to
4 be eligible to participate in programs under the Rehabilitation Act of 1973,
5 as amended, the Division shall submit to the Commissioner of Region IX,
6 USDOE/Rehabilitation Services Administration a plan for vocational
7 rehabilitation services for a three (3) year period, or shall submit the plan
8 on such date, and at such regular intervals, as may be determined to be
9 appropriate to coincide with the intervals at which the Division submits
10 state plans under other Federal laws, such as part B of the Individuals
11 with Disabilities Education Act (20 U.S.C. §1411 *et seq.*).

12 (o) **Individualized written rehabilitation program** shall do all of the
13 following:

14 (1) Be designed to achieve the employment objective of
15 the individual, consistent with the unique strengths resources,
16 priorities, concerns, abilities and capabilities of the individual, and to
17 the maximum extent appropriate, to include placement in integrated
18 settings.

19 (2) Be jointly developed and agreed upon by the eligible
20 individual, or when appropriate, the individual's parent, family
21 member, guardian, advocate or authorized representative, and
22 DVR. In developing the program, DVR shall inform the individual
23 about and involve the individual in choosing among alternative
24 goals, objectives, available services, entities providing the services
25 and the methods used to provide or procure the services.

26 (3) Contain all of the information required by Federal
27 law and regulations, including a statement of the specific vocational

1 goods and services to be provided, and the terms and conditions
2 under which available goods and services will be provided, to the
3 extent Federal funds are available, to the individual in the most
4 integrated setting.

5 (4) An individual is eligible for assistance consistent with
6 the approved state plan.

7 (p) **Assistive Technology Service** means any service that directly
8 assists an individual with a disability in the selection, acquisition, or use of
9 an assistive technology device; including:

10 (i) the evaluation of the needs of an individual with a disability,
11 including a functional evaluation of the individual in his or her
12 customary environment or work place;

13 (ii) purchasing, leasing, or otherwise providing for the acquisition
14 by an individual with a disability of an assistive technology
15 device;

16 (iii) selecting, designing, fitting, customizing, adapting, applying,
17 maintaining, repairing, or replacing assistive technology
18 devices;

19 (iv) coordinating and using other therapies, interventions, or
20 services with assistive technology devices, such as those
21 associated with existing education and rehabilitation plans and
22 programs;

23 (v) training or technical assistance for an individual with a
24 disability or, if appropriate, the family members, guardians,
25 advocates, or authorized representatives of the individual; and

26 (vi) training or technical assistance for professionals (including
27 individuals providing education and rehabilitation services),

1 employers, or others who provide services to, employ, or are
2 otherwise substantially involved in the major life functions of
3 individuals with disabilities, to the extent that training or
4 technical assistance is necessary to the achievement of an
5 employment outcome by an individual with a disability.

6 (q) **Comparable Services and Benefits** means services and benefits
7 that are:

8 (i) provided or paid for, in whole or in part, by other Federal or
9 Local public agencies, by health insurance, or by employee
10 benefits;

11 (ii) available to the individual within a reasonable period of time;
12 and

13 (iii) commensurate to the services that the individual would
14 otherwise receive from the Division.

15 (r) **Competitive Employment** means work:

16 (i) in the competitive labor market that is performed on a full-time
17 or part-time basis in an integrated setting; and

18 (ii) for which an individual is compensated at or above the
19 minimum wage, but not less than the prevailing wage for the
20 same or similar work in the local community performed by
21 individuals who are not disabled.

22 (s) **Employment Outcome** means, with respect to an individual,
23 entering or retaining full-time or, if appropriate, part-time competitive
24 employment in the integrated work setting to the greatest extent
25 practicable; supported employment; or any other type of employment that
26 is consistent with an individual's strengths, resources, priorities, concerns,
27 abilities, capabilities, interests and informed choice.

1 (t) **Extended Employment** means work in a non-integrated or
2 sheltered setting for a public or private nonprofit agency or organization
3 that provides compensation in accordance with the Fair Labor Standards
4 Act, and any needed support services to a person with a disability to enable
5 the individual to continue to train or otherwise prepare for competitive
6 employment, unless the individual through informed chooses to remain in
7 extended employment.

8 (u) **Integrated Setting** , with respect to the provision of services or
9 an employment outcome, means a setting typically found in the community
10 in which applicants or eligible individuals have the opportunity to interact
11 on a regular basis with non-disabled individuals other than non-disabled
12 individuals who are providing services to those applicants or eligible
13 individuals.

14 (v) **Maintenance** means monetary support provided to an eligible
15 individual or an individual receiving extended evaluation services for
16 those living expenses, such as food, shelter and clothing, that are excess of
17 the normal living expenses of the individual and that are necessitated by
18 the individual's participation in a program of vocational rehabilitation
19 services.

20 (w) **Personal Assistance Services** means a range of services provided
21 by one or more persons designed to assist an individual with a disability to
22 perform daily living activities on or off the job that the individual would
23 typically perform without assistance if the individual did not have a
24 disability. The services must be necessary to the achievement of an
25 employment outcome and may be provided only while the individual is
26 receiving other vocational rehabilitation services. The services may

1 include training in managing, supervising and directing personal
2 assistance services.

3 (x) **Physical and Mental Restoration Services** means corrective
4 surgery or therapeutic treatment that is likely, within a reasonable period
5 of time, to correct or modify substantially a stable or slowly progressive
6 physical or mental impairment that constitutes a substantial impediment
7 to employment.

8 (y) **Transitional Employment** as used in the definition supported
9 employment, means a series of temporary job placements in competitive
10 work in integrated settings with ongoing support services for individuals
11 with the most severe disabilities due to mental illness. In transitional
12 employment, the provision of ongoing support services must include
13 continuing sequential job placements until job permanency is achieved.

14 **§41203. Administration.**

15 (a) All executive and administrative functions of DVR are vested in
16 the Administrator, who is the ex-officio non-voting member of the RAC.
17 The Administrator's salary and benefits shall be established in accordance
18 with 4 GCA government of Guam Unified Pay Schedule.

19 (b) The authority and responsibility of the Administrator shall
20 include the following:

21 (1) to see that all rules and regulations of DVR are enforced;

22 (2) to attend all scheduled meetings of RAC and submit a
23 quarterly written report on the affairs of the Division with data and
24 in a format requested by the Council of the affairs, needs and
25 immediate problems of DVR on the issues requested by RAC as
26 defined the Vocational Rehabilitation Act;

27 (3) to keep the RAC informed of the needs of the Division;

1 (4) to devote his or her entire time to the business of the
2 DVR;

3 (5) to plan, organize, coordinate and control the services of
4 such employees as to achieve the goals of DVR;

5 (6) will address the current and projected vocational
6 rehabilitation services personnel training needs for DVR;

7 (7) provide for the coordination and facilitation of efforts
8 between DVR and institutions of higher education and professional
9 associations to recruit, prepare and retain qualified personnel,
10 including personnel from minority backgrounds, and personnel who
11 are individuals with disabilities;

12 (8) responsible for the implementation of agreements with
13 the operators of community rehabilitation programs for the
14 provision of services for the rehabilitation of individuals with
15 disabilities;

16 (9) provide that special consideration will be given to the
17 rehabilitation under the Rehabilitation Act of 1973, as amended, of a
18 person with a disability whose disability was sustained in the line of
19 duty while such individual was performing as a public safety officer,
20 if the proximate cause of such disability was a criminal act or
21 hazardous condition resulting directly from the officer's
22 performance of duties in direct connection with the enforcement,
23 execution and administration of law or fire prevention, fire fighting
24 or related public safety activities if there is an approved order of
25 selection plan;

26 (10) provide outreach procedures to identify and serve
27 persons with disabilities who are minorities and persons with

1 disabilities, who have been unserved or underserved by the
2 vocational rehabilitation system;

3 (11) provide services designed to promote supported
4 employment, independent living and community participation;

5 (12) provide that DVR has the authority to enter into
6 contracts with profitmaking organizations for the purpose or
7 providing on-the-job training and related programs for persons with
8 disabilities under Part B of Title VI of the Rehabilitation Act of 1973,
9 as amended, upon a determination by the Division that such profit
10 making organizations are better qualified to provide such
11 rehabilitation services than nonprofit agencies and organizations;

12 (13) develop and implement a strategic plan for expanding
13 and improving vocational rehabilitation services for persons with
14 disabilities;

15 (14) seek and seriously consider on a regular and ongoing
16 basis advice from the RAC regarding the development and
17 implementation of the state plan and the strategic plan and
18 amendments to the plans, and other policies and procedures of
19 general applicability pertaining to the provision of vocational
20 rehabilitation services in Guam. Copies of the aforementioned items
21 must be submitted to RAC two (2) months prior to submission to the
22 Guam State Clearinghouse, Federal agency(ies) or the public;

23 (15) cooperate with the Federal government in carrying out
24 the purpose of any Federal statute pertaining to vocational
25 rehabilitation;

1 (16) adopt the Rehabilitation Act of 1973, as amended in 1992,
2 and any future amendments thereof, in administering vocational
3 rehabilitation services.

4 **§41204. Rehabilitation Advisory Council (RAC) for Division of**
5 **Vocational Rehabilitation (DVR).**

6 (a) Pursuant to Federal law, there is a Rehabilitation Advisory
7 Council (RAC), that shall advise and assist the Administrator after
8 soliciting recommendations from representatives of organizations
9 representing a broad range of individuals with disabilities and
10 organizations interested in individuals with disabilities in carrying out the
11 vocational rehabilitation provisions of DVR.

12 (b) **Composition.** The Administrator will submit nominations for
13 membership of RAC for approval by the Governor and shall be composed
14 of the representatives specified in the Vocational Rehabilitation Act, as
15 amended. The members shall include:

16 (1) At least one (1) representative of the Statewide Council
17 on Independent Living which representative may be the
18 Chairperson;

19 (2) At least one (1) representative of a parent training and
20 information center;

21 (3) At least one (1) representative of the Client Assistance
22 Program;

23 (4) At least one (1) vocational rehabilitation counselor with
24 knowledge of and experience with vocational rehabilitation
25 programs, who shall serve as an ex-officio, nonvoting member if
26 employed by the Division of Vocational Rehabilitation (DVR);

1 (5) At least one (1) representative of community
2 rehabilitation program service providers;

3 (6) At least four (4) representatives of business, industry, and
4 labor;

5 (7) Representatives of disability advocacy groups
6 representing a cross section of individuals with physical, cognitive,
7 sensory and mental disabilities, and parents, family members,
8 guardians, advocates or authorized representatives of individuals
9 with disabilities who have difficulty in representing themselves or
10 are unable due to their disabilities to represent themselves;

11 (8) Current or former applicants for, or recipients of,
12 vocational rehabilitation services; and

13 (9) The Administrator of DVR, who shall be an ex-officio
14 non-voting member.

15 (c) A majority of the council members shall be persons who have
16 disabilities and are not employed by DVR. The RAC members shall elect a
17 chairperson from the membership. Each member of the RAC shall serve a
18 three-year term, but may not serve more than two (2) consecutive full
19 terms. Terms shall be staggered.

20 **§41205. Rehabilitation Advisory Council (RAC) Function.** The RAC
21 shall provide technical assistance and advise DVR on eligibility, order of
22 selection, services provided, performance of DVR and other public and
23 private entities. The RAC shall prepare and submit an annual report by
24 November 30 for the previous fiscal year to the Governor of Guam on the
25 status of the vocational rehabilitation programs within Guam and make
26 the report available to the public.

27 **§41206. Meetings.**

1 (a) The RAC shall convene at least four (4) meetings a year to
2 conduct RAC business that are publicly announced, open and accessible to
3 the public, including individuals with disabilities; and

4 (b) Conduct forums or hearings, as appropriate, that are publicly
5 announced, open and accessible to the public, including individuals with
6 disabilities.

7 **§41207. Compensation.** Federal funds appropriated under Title I
8 of the Rehabilitation Act, as amended, except funds to carry out Sections
9 112 and 130 of the Act, may be used to compensate and reimburse the
10 expenses of the RAC members in accordance with Section 105(g) of the
11 Rehabilitation Act, as amended. The RAC shall serve with compensation
12 and shall be reimbursed for reasonable expenses, including travel
13 expenses, necessary for the performance of their duties.

14 **§41208. Establishment of a Community Rehabilitation Program.**

15 The establishment of a community rehabilitation program means the
16 acquisition, expansion, remodeling or alteration of existing buildings
17 necessary to adapt them to community rehabilitation program purposes or
18 to increase their effectiveness for such purposes, subject, however, to such
19 limitations as the Federal government, or the Administrator, may, by
20 regulation, prescribe in order to prevent impairment of the objectives of,
21 or duplication of, other laws providing assistance in the construction of
22 such facilities for community rehabilitation programs and may include
23 additional equipment and staffing permitted by Federal law or regulation.

24 (a) It is the purpose of this Chapter to extend the opportunities for
25 eligible individuals with disabilities for employment through
26 encouragement of local communities to develop rehabilitation programs
27 and to provide Guam with information concerning their effectiveness in

1 providing employment and rehabilitation services to individuals with
2 disabilities.

3 (b) DVR may provide consultative services to organizations in the
4 establishment and operation of community rehabilitation programs for
5 individuals with disabilities. These consultative service shall include the
6 bringing together of persons interested in the established community
7 rehabilitation programs, surveying community needs, securing the
8 cooperation of other community agencies, planning methods of financing,
9 securing work contracts, establishing professional standards and
10 maintaining of appropriate records.

11 (c) DVR may contract with qualified persons or firms for
12 consultation in such technical fields as accounting, engineering and sales
13 so that the directors and governing bodies of the community rehabilitation
14 programs may be advised as to the desirability of any undertaking, and the
15 best methods of achieving their objectives.

16 (d) It is the intent of DVR to encourage the local government
17 agencies and departments to purchase products manufactured by and
18 services provided by public or private nonprofit Guam corporations
19 operating workshops serving persons with disabilities whenever it is
20 feasible to do so, and the proximity of the public or private nonprofit
21 Guam corporations operating workshops serving individuals with
22 disabilities makes the purchases reasonably convenient, and to provide
23 equality of competitive advantage for organizations operating workshops
24 for persons with disabilities and organizations operating workshops for
25 individuals who are blind.

26 (e) Any local government agencies or departments may, without
27 advertising or calling for bids, purchase materials and supplies

1 manufactured and services provided by public or private nonprofit Guam
2 corporations operating community rehabilitation programs serving
3 persons with disabilities who have indicated an interest in supplying those
4 goods and services and may, on an equitable basis apportion the business
5 among the interested community rehabilitation programs, provided the
6 goods or services meet the specifications and needs of the purchasing
7 agency or department and are purchased at a fair market price, as
8 determined by General Services Agency and provided that the public or
9 private nonprofit Guam corporations comply with all of the following
10 requirements:

11 (1) Contract work obtained under this Section shall be performed
12 by a labor force which is comprised primarily of persons with disabilities,
13 as measured by the percentage of person-hours of direct labor devoted to
14 the contract work.

15 (2) For purposes of this Paragraph, "primarily" means seventy-
16 five percent (75%) or greater.

17 (3) Agree to make those elections permitted of any nonprofit
18 corporation under the Federal Insurance Contributions Act and the Guam
19 Unemployment Insurance Code in order to provide social security and
20 unemployment and disability benefits for its employees commencing with
21 its first contract or purchase order under this Section and continuing
22 thereafter. In the event that the nonprofit corporation ceases to provide
23 those benefits, any existing contract or purchase order under this Section
24 with the corporation is terminated, and no further contracts or purchase
25 orders shall be awarded to that corporation for the period of two (2) years
26 after the corporation ceases to provide benefits. For the purpose of this

1 Subdivision, a person with a disability shall be considered an employee
2 when performing productive work.

3 (4) Provide in its articles of incorporation that at least two (2) of the
4 directors of its board of directors shall be comprised of persons with
5 disabilities or the parents, guardians or conservators of persons with
6 disabilities. Directors who are also employees of the nonprofit corporation
7 shall not participate in, or be present at discussions of, the board of
8 directors concerned with labor-management contract negotiations.

9 (5) Provide for employees with disabilities of the nonprofit
10 corporation benefits and other employer-employee agreements
11 substantially equal to those benefits and agreements entered into between
12 each nonprofit corporation and the representatives designated by a
13 majority of the employees.

14 (6) Not commit any unfair labor practices as defined in Section 8(a) of
15 the National Labor Relations Act.

16 (7) Abide by the provisions of the Federal Fair Labor Standards Act,
17 the Walsh-Healy Public Contract Act, the Wagner O Day Act, and the
18 regulations of the government of Guam Department of Labor.

19 **§41209. Independent Living Services.**

20 (a) DVR may establish and enter into contracts not to exceed three
21 (3) years per contractual period, a nonprofit corporation qualified to
22 provide independent living services. In the event that no nonprofit
23 corporations exist or there are no bid requests from a nonprofit
24 corporation, the contract may be opened to the general public.

25 (b) DVR shall implement the Independent Living Services consistent
26 with the approved Independent Living State Plan.

27 **§41210. Employment of Individuals with Severe Disabilities.**

1 (a) Departments and agencies of the government of Guam shall
2 adopt departmental rules and regulations for the hiring of individuals
3 with severe disabilities. Such rules shall include the granting of preference
4 credits allowed under 4 GCA §4104.

5 (i) **Eligibility Procedures.** An individual with a severe
6 disability is considered to meet the seven hundred (700) hour
7 program eligibility criteria when an appropriate certification is
8 received from a Vocational Rehabilitation counselor. This
9 certification will be based on knowledge of the jobsite by the
10 counselor and will relate to a specific position. The certification must
11 state that in the counselor's judgment the proposed applicant for the
12 position has the minimum skills and ability to perform the duties of
13 the position and is capable to perform the work without hazard to
14 himself/herself or to others.

15 (ii) The Certification must be supported by a report of a
16 medical examination that fully reflects the nature and extent of the
17 disability and a narrative statement from a Guam-licensed medical
18 provider that documents:

19 (1) ability of the proposed applicant to do the job,
20 based on the recommended need for a job coach;

21 (2) recommendations of job modifications, if needed;

22 (3) recommendations for work-site modifications, if
23 needed;

24 (4) limitations of the proposed applicant which would
25 affect work in the job situation (modified work schedules,
26 flexible leave policies, acquisition or modification of equipment
27 and/or devices);

1 (5) other information concerning the proposed
2 applicant which would be helpful in assuring a successful
3 placement.

4 (b) Government of Guam departments and/or agencies shall
5 employ at least two percent (2%) of the work force or two (2) individuals
6 with severe disabilities, whichever is greater and certified by the Division
7 of Vocational Rehabilitation (DVR). Such employment shall be on a
8 temporary, limited-term employment not to exceed a total of seven
9 hundred (700) hours for that particular fiscal year. The Division of
10 Vocational Rehabilitation shall monitor compliance by the departments
11 and/or agencies.

12 (c) Government of Guam departments and/or agencies shall
13 consult with the Administrator of the Division of Vocational Rehabilitation
14 to advise them of which individuals with severe disabilities meet the
15 eligibility criteria. The Division of Vocational Rehabilitation shall
16 maintain a listing of those individuals and their capabilities for reference
17 by the department and/or agency.

18 (d) Government of Guam departments and/or agencies cannot
19 use standards, criteria or other methods of administration have the effect
20 of discrimination on the basis of disability, may not use employment tests
21 or other selection criteria that tend to screen out individuals with
22 disabilities unless the test is related to the job and consistent with
23 government needs, must select and administer employment to individuals
24 with severe disabilities so that they accurately reflect the skills, aptitude
25 and other features they purport to measure.

1 (e) Government of Guam departments and/or agencies should
2 provide reasonable accommodations to an individual with severe
3 disabilities:

4 (i) making existing facilities used by employees readily
5 accessible to persons with disabilities; and

6 (ii) job restructuring; flexible work schedules; acquisition or
7 modifications of equipment or devices; modification of
8 examinations; training materials or policies; and similar
9 accommodations for individuals with severe disabilities.

10 (f) Provisions of this Section shall only apply to all new applicants
11 of the seven hundred (700) hour program upon the enactment of this Act.
12 Participants of the seven hundred (700) hour program prior to this Act's
13 enactment who have been determined having satisfactory performance,
14 either prior to or after the expiration of the seven hundred (700) hours
15 appointment, the position occupied by a person with a disability shall be
16 converted to permanent employment.

17 **§41211. Misuse of Lists and Records.** It shall be unlawful, except
18 for purposes directly connected with the administration of the Vocational
19 Rehabilitation Program, and in accordance with applicable rules and
20 regulations, for any person to solicit, disclose, receive, make use of,
21 authorize, knowingly permit, participate in or acquiesce in, the use of any
22 name of or any information concerning a person applying for or receiving
23 vocational rehabilitation directly or indirectly derived from the records,
24 papers, files or communications of the Council or Division thereof
25 acquired in the course of performance of official duties. Any violation of
26 this Section shall be a misdemeanor.

27 **Article 3**

1 **§41301. Division.** There is a division within the "The Department
2 of Integrated Services for Individuals with Disabilities (DISID)," entitled
3 "Division of Support Services for Individuals with Disabilities (DSSID),"
4 and shall be responsible for the development of a community service
5 delivery system which includes design, implement, administer, coordinate,
6 monitor and evaluate the programs and services of the division for
7 persons with disabilities. DSSID shall not duplicate services already
8 available in the community through local and Federal funding or nonprofit
9 organizations.

10 **§41302. Definitions.**

11 (a) "**Active Services**" means provision of services as specified in an
12 individualized service plan. These services may include, but not limited to,
13 activities, experiences and therapy which are part of a professionally
14 developed and supervised program of health, social, habilitative and
15 developmental services.

16 (b) "**Case Management**" means services to persons with
17 disabilities that assist in gaining access to need social, medical , legal,
18 educational and other services, and includes:

19 (1) Follow along services which assure, through a
20 continuing relationship between an agency or provider and a person
21 with a disability and the individual's parent, if the individual is a
22 minor, or guardian, if a guardian has been appointed for the
23 purpose, that the changing needs of the individual and the family are
24 recognized and appropriately met.

25 (2) Coordinating and monitoring services provided to
26 persons with disabilities by two (2) or more persons, organizations or

1 agencies that are qualified or eligible under other case management
2 programs.

3 (3) Providing information to persons with disabilities about
4 availability of services and assisting the persons in obtaining the
5 services.

6 (c) "**Division**" means the Division of Support Services for
7 Individuals with Disabilities (DSSID).

8 (d) "**Individual with a Disability**" means any individual who:

9 (1) Has a physical or mental impairment (a) that
10 substantially limits one or more of the major life activities of such
11 individual; (b) a record of such an impairment; or (c) being regarded
12 as having such an impairment.

13 (e) "**Administrator**" means the Administrator of Division of Support
14 Services for Individuals with Disabilities (DSSID) who shall be an ex-
15 officio, non-voting member of the Division of Support Services for
16 Individuals with Disabilities Council (DSSID). The Administrator must
17 have at least a bachelors degree in Special Education or Social Work or
18 related subjects and at least four (4) years of experience in community
19 services dealing with persons with disabilities, of which two (2) years shall
20 be administrative. The position shall be of the classified service of the
21 government of Guam. The position Classification Standard and
22 Compensation shall be established by the Civil Service Commission.

23 (f) "**Habilitation**" means the process by which the staff of an
24 agency assists an individual to cope more effectively with the demands of
25 his or her own person and environment and to raise the level of his or her
26 physical, mental and social functioning. Habilitation includes, but is not
27 limited to, programs of formal structured education and treatment.

1 (g) "**Individualized service plan**" means the written plan for
2 required in Section 41305.

3 (h) "**Individually appropriate**" means responsive to the needs of
4 the individual, as determined through interdisciplinary assessment and
5 provided pursuant to an individualized service plan.

6 (i) "**Interdisciplinary team**" means a group of persons that is
7 drawn from or represents those professions, disciplines or service areas
8 that are relevant to identifying an individual's needs and designing a
9 program to meet them, and is responsible for evaluating the individual's
10 needs, developing an individual program plan to meet them, periodically
11 reviewing the individual's response to the plan, and revising the plan
12 accordingly. A complete team includes the individual receiving the service,
13 unless clearly unable to participate; the individual's family, unless their
14 participation has been determined to be inappropriate; those persons who
15 work most directly with the individual each of the professions, disciplines
16 or service areas that provide service to the individual, including direct-
17 care or direct-contact staff; and any other persons whose participation is
18 relevant to identifying the needs of the individual and devising ways to
19 meet them.

20 (j) "**Least restrictive**" means the least intrusive and least disruptive
21 intervention into the life of an individual with a disability that represents
22 the least departure from normal patterns of living that can be effective in
23 meeting the person's developmental needs.

24 (k) "**Inclusive environment**" means that environment that
25 represents the least departure from normal patterns of living that can be
26 effective in meeting the individual's needs.

1 (l) "**Monitor**" means to conduct a systematic, coordinated,
2 objective, qualitative review of services provided by any person, agency or
3 organization.

4 (m) "**Representative**" means any individual who can advise and
5 advocate for an individual with disabilities, who shall serve at the request
6 and pleasure of such person; provided, that if the person with disabilities is
7 a minor or is legally incapacitated.

8 (n) "**Residence**" or "**residential**" means the living space occupied by
9 the individual with a disability, including single-person homes, natural
10 family homes, care homes, group homes, foster homes, institutional
11 facilities and all other types of living arrangements.

12 (o) "**Services**" means appropriate assistance provided to an
13 individual with a disability, individually appropriate environment to
14 provide for basic living arrangements and continuing development of
15 independence or interdependent living skills of the person. These services
16 include, but are not restricted to: case management, medical, education,
17 assistive technology, advocacy, residential, developmental and vocational
18 support; training; active services; day treatment; day activity; respite care;
19 domestic assistance; attendant care; rehabilitation; speech, physical
20 occupational and recreational therapy; recreational opportunities;
21 counseling, including counseling to the person's family, guardian or other
22 appropriate representative; development of language and
23 communications skills; interpretation; transportation and equipment, and
24 other related services.

25 (p) "**Respite Care**" means in-home or out-of-home temporary,
26 non-medical support for families with individuals with disabilities,

1 **§41303. Administration.** (a) All executive and administrative
2 functions of DSSID are vested in the Administrator, who is the ex-officio
3 non-voting member of the DSSIDC. The Administrator's salary and
4 benefits shall be established in accordance with 4 GCA Government of
5 Guam Unified Pay Schedule.

6 (b) The authority and responsibility of the Administrator shall
7 include the following:

8 (1) to see that all rules and regulations of DSSID are
9 enforced;

10 (2) to attend all scheduled meetings of the DSSIDC and
11 submit a general report of the affairs of DSSID;

12 (3) to keep the DSSIDC advised of the needs of the DSSID;

13 (4) to devote his or her entire time to the business of the
14 DSSID;

15 (5) to plan, organize, coordinate and control the services of
16 such employees as to achieve the goals of the DSSID;

17 (6) will address the current and projected personnel training
18 needs for the DSSID;

19 (7) provide for the coordination and facilitation of efforts
20 between DCSID and institutions of higher education and
21 professional associations to recruit, prepare and retain qualified
22 personnel, including personnel from minority backgrounds, and
23 personnel who are individuals with disabilities;

24 (8) provide (as appropriate) for entering into agreements
25 with the operators of community habilitation programs for the
26 provision of services for the habilitation of individuals with
27 disabilities;

1 (9) provide outreach procedures to identify and serve
2 persons with disabilities who are minorities and persons with
3 disabilities who have been unserved or underserved;

4 (10) develop and implement a strategic plan for expanding
5 and improving community services for persons with disabilities; and

6 (11) seek and seriously consider on a regular and ongoing
7 basis advice from the DSSIDC regarding the goals and strategic
8 plans developed for the Division;

9 **§41304. Community Services for Persons with Disabilities System.**

10 (a) DSSID shall develop and administer a comprehensive system
11 of programs and services for individuals with disabilities within the limits
12 of local and Federal resources allocated or available for purposes of this
13 Chapter. DSSIDC responsibility for individuals with disabilities shall be
14 under one administrative unit for the purpose of coordination, monitoring,
15 evaluation and delivery of services.

16 (b) DSSID shall ensure the provision of an array of appropriate
17 services and care to individuals with disabilities through the utilization of
18 existing resources within the community, through coordination with
19 programs and services provided under other Federal and local programs
20 and through specific funding when no other resources are available.
21 DSSID shall not supplant or duplicate services provided by other Federal
22 or local programs.

23 (c) Programs of DSSID may include, but not limited to,:

24 (1) referral for evaluation of persons with disabilities;

25 (2) development, planning and implementation in
26 coordination with other Federal or local agencies of service
27 programs for persons with disabilities;

1 (3) development and provision of service programs in the
2 public or private sectors for persons with disabilities;

3 (4) establishment of a continuum of comprehensive services
4 and residential alternatives in the community so as to allow
5 individuals with disabilities to live in the least restrictive,
6 individually appropriate environment;

7 (5) development and implementation of a program for single
8 entry access by individuals with disabilities for services provided in
9 the private sector or other Federal or local programs, including case
10 management and development of an individualized service plan by
11 an interdisciplinary team;

12 (6) Collaborative and cooperative services with public
13 health and other groups for programs of prevention of disabilities;

14 (7) Informational and educational services to the general
15 public and to lay and professional groups;

16 (8) Consultative services to the judicial branch of
17 government, to educational institutions and to health and welfare
18 agencies whether such agencies are public or private;

19 (9) Provision of community residential alternatives for
20 persons with disabilities, including group homes; and

21 (10) Provision of other programs, services or facilities
22 necessary to provide a continuum of care for persons with
23 disabilities.

24 **§41305. Application and Assessment for Services; Individualized**
25 **Service Plans.**

26 (a) DSSID shall develop and administer an application and
27 assessment system for persons with disabilities. If DSSID determines that

1 the person is eligible for services under this Chapter within the limits of
2 Federal or local resources available for the purposes of this Chapter, an
3 individualized service plan for the person shall be prepared within thirty
4 (30) days by an interdisciplinary team for the person and DCSID may
5 provide case management services to the person. DSSID will provide for
6 an annual review and update of plan.

7 (b) The procedure for assessment of the person and elements of
8 the individualized service plan shall be as described in policies and
9 procedures adopted by DSSID. The individualized service plan shall be in
10 writing and shall include, at a minimum, the nature of the needs of the
11 person, goals and specific services to be offered to the person to attain
12 these goals.

13 **§41306. Provision of Services.** Based upon the individualized
14 service plan, DSSID shall, as may be required, refer the person to services
15 provided by DSSID under this Chapter to services provided under other
16 Federal or local laws, or to services provided by appropriately licensed
17 private agencies.

18 **§41307. Duties of DSSID.** The Division of Support Services for
19 Individuals with Disabilities (DSSID) with approval by the Director of
20 "The Department of Integrated Services for Individuals with Disabilities"
21 (DISID), and recommended by the Division of Support Services for
22 Individuals with Disabilities Council (DSSIDC), shall develop policies and
23 procedures which shall include, but not limited to,:

24 (a) Establishment of eligibility requirements for participation in
25 services provided under this Chapter.

26 (b) Establishment of standards of transfer from one facility to
27 another.

1 (c) Provision for the involvement of the individual and where
2 appropriate, the parents, guardian, or other representatives of the
3 individual in the determination of eligibility under this Chapter, the
4 preparation of the individual's individualized service plan and the
5 selection or rejection of services under this Chapter.

6 (d) Protection and enhancement of the rights of individuals
7 receiving or applying for services under this Chapter, including the right to
8 privacy and confidentiality.

9 (e) Develop a case management program in coordinating and
10 monitoring services to individuals with disabilities and follow-up services
11 which assure, through a continuing relationship between an agency or
12 provider that the changing needs of the individual and the family are
13 recognized and appropriately met.

14 (f) Implement procedures to provide contract management, which
15 shall include quality assurance.

16 (g) Other provisions required or appropriate to implement the
17 purposes of this Chapter.

18 **§41308. Establishment of Division of Support Services for**
19 **Individuals with Disabilities Council (DSSIDC).** (a) There is established
20 an advisory council entitled "Division of Support Services for Individuals
21 with Disabilities Council" (DSSIDC) to be composed of fifteen (15)
22 members to be appointed by the Governor. Eight (8) members shall be
23 appointed for two (2) year terms, and seven (7) members shall be
24 appointed for four (4) years. No member shall serve more than two (2)
25 consecutive terms. All members shall serve, in addition to their regular
26 term, until their successors are appointed. Members of the DSSIDC will
27 be appointed within sixty (60) days of enactment of this Act.

1 (b) The terms of the appointment and the terms of the members
2 shall be rotated so that no more than three (3) members' terms shall expire
3 each year.

4 (c) Any vacancy in the membership of the Council shall be filled for
5 the period of the unexpired term in the same manner as was the original
6 appointment.

7 (d) Council members shall serve without compensation; except
8 that each member shall be paid a per diem of Fifty Dollars (\$50.00) for
9 each day of attendance at a meeting of the Council, such compensation not
10 to exceed One Hundred Dollars (\$100.00) per month.

11 **§41309. Composition of the Division of Support Services for**
12 **Individuals with Disabilities Council (DSSIDC).** (a) The members of the
13 DSSIDC shall include: the Director of the Developmental Disabilities
14 Council or his/her designee, the Director of the Department of Education
15 or his/her designee, the Director of the Department of Public Health &
16 Social Services or his/her designee, the Director of the Department of
17 Mental Health & Substance Abuse or his/her designee, the Executive
18 Director of Protection and Advocacy System or his/her designee, the
19 Director of the University Affiliated Program or his/her designee, (1)
20 representatives from nonprofit organizations that provide services to
21 persons with disabilities, one (1) representative from a parent/guardian
22 with a dependent under the age of ten (10) with a disability, one (1)
23 representative from a parent/guardian with a dependent between the
24 ages of 11-18 with a disability, and one (1) representative from a
25 parent/guardian with a dependent over the age of eighteen (18) with a
26 disability (as defined in Article 3, Section 41302(d)), (5) representatives
27 from the community who have varying disabilities.

1 (b) **Removal of DSSIDC Member.** The Governor may remove
2 any member from the DSSIDC for cause including, but not limited to,
3 neglect of any duty required by law, incompetence, unprofessional conduct
4 or willful misconduct. A member subject to disciplinary proceedings shall
5 disqualify himself/herself from the DSSIDC business until the charge(s)
6 are adjudicated.

7 **§41310. Powers of the Division of Support Services for Individuals**
8 **with Disabilities Council (DSSIDC).** (a) The DSSIDC shall elect a
9 chairperson, who shall be a representative from one of the consumer
10 groups; a vice-chairperson and other officers as determined in its rules and
11 regulations. The DSSIDC shall further determine in rules and regulations
12 the number of DSSIDC meetings required and what constitutes a quorum
13 to conduct its business. Members of the DSSIDC shall not hold
14 membership on other Boards or Council in the territory that oversee
15 issues with individuals with disabilities. The rules and regulations shall be
16 promulgated by the DSSIDC in accordance with the Adjudication Act by
17 October 1, 1997.

18 (b) Serve as a public advocate for individuals with disabilities by
19 advising and making recommendations to the Administrator of DSSIDC
20 on matters relating to individuals with disabilities.

21 (c) Participate in public education and awareness activities on the
22 problems, needs, potentials and rights of the disabled persons through
23 affirmative public education programs, including conferences, work-shops
24 and forums.

25 (d) Seek improvements in existing programs and services and
26 identify unmet needs of individuals with disabilities.

1 (e) Initiate and maintain contact with public and private, local and
2 national organizations, agencies and individuals generally engaging in
3 activities relating to disabled persons, or otherwise interested in the
4 general or specific well-being of the disabled.

5 (f) Shall advise the Governor with recommendations for the
6 appointment of the Director.

7 **Section 3. Repeal of P.L. 20-213.** Public Law 20-213 is hereby
8 repealed upon enactment of this Act. The Governor shall utilize all funds,
9 resources and staff of the Commission, for the purpose of facilitating the
10 transition of DISID until September 30, 1997.

11 **Section 4.** Title 5 GCA §50111(c) is hereby amended to read as
12 follows:

13 (c) A fund to be known as the Accessible Parking Fund is hereby
14 created, separate and apart from any other fund of the government of
15 Guam. The Department of Integrated Services for Individuals with
16 Disabilities shall maintain the fund, and shall utilize the fund for the
17 purpose of ensuring community awareness regarding parking issues for
18 individuals with disabilities, which shall include the monitoring and
19 compliance of accessible parking for individuals with disabilities.

20 **Section 5.** Title 16 GCA §§3401.1(e) and (h) are hereby amended to
21 read as follows:

22 (e) A violation of subsections (b), (c) or (d), of this Section shall be
23 punished by a fine of not less than Three Hundred Dollars (\$300.00) and
24 nor more than Five Hundred Dollars (\$500.00). All fines are imposed by
25 the court shall be deposited into the Accessible Parking Fund maintained by
26 the Department of Integrated Services for Individuals with Disabilities
27 pursuant to 5 GCA §50111(c). Additionally, a vehicle which is illegally

1 parked pursuant to this Subsection may be towed, and the owner of the
2 vehicle shall be liable for reasonable towing expenses, which charges shall
3 constitute a lien against the offending vehicle.

4 (h) **Private Persons Authorized to Issue Citations.** Private Security
5 Personnel, and persons who are designated by the Department of
6 Integrated Services for Individuals with Disabilities and employed by
7 Nonprofit Organizations (NPOs) representing or serving people with
8 disabilities, are hereby authorized to issue citations to enforce the
9 provisions of this Act provided they obtain proper training in law
10 enforcement, as evidenced by a certificate of completion from an
11 accredited law enforcement academy or institute. Citation forms may be
12 distributed by the Guam Police Department of use in the enforcement of
13 this Act.

14 **Section 6. Transitional Time Line.**

15 (a) The Division of Support Services for Individuals with
16 Disabilities Council (DSSIDC), upon appointment by the Governor within
17 sixty (60) days of enactment of this Act, shall be responsible for the
18 planning and transition of DISID. Other responsibilities shall include:

19 (1) Develop a transitional plan for the October 1, 1997
20 implementation of DISID which shall include, but not limited to,:

21 (a) the review of all programs budgeted and
22 appropriated by the Guam Legislature within the government
23 of Guam for inclusion into the Division of Support Services
24 for Individuals with Disabilities (DSSID). These existing
25 appropriations shall include, but not limited to,; Respite Care
26 (DPHSS), Mary Clare Home (DMHSA), Independent Group
27 Home and Comprehensive Community Support Services

1 Program (DPHSS), Community Habilitation Program (DVR),
2 Off-island Residential Placement Program, etc.;

3 (b) make recommendations to the Governor to the
4 selection and appointment of the Director of DISID;

5 (c) work with the Civil Service Commission for the
6 creation of the positions of the Director, Administrators for
7 DVR and DSSID and personnel consistent with Title 4, Guam
8 Code Annotated, the Uniform Position Classification and
9 Salary Administration Act of 1991;

10 (d) work with the Director of the Department of
11 Vocational Rehabilitation for assistance with the transition
12 into DISID as outlined in Section 2 of this Act;

13 (e) Develop a budget for DISID which shall include
14 personnel, supplies and capital expenditures for the
15 Governor's approval by July, 1997 for implementation in FY97-
16 98. This may include the transferring of personnel, supplies
17 and expenditures within the government of Guam that
18 administers various programs appropriate to be included into
19 DISID.

20 **Section 7.** Upon completion of the duties outlined in Section 6 of this
21 Article, the DSSIDC members shall begin their duties and powers as
22 outlined in §41311 in this Act.

23 **Section 8. Severability.** If any of the provisions of this Act of the
24 application thereof to any person or circumstance are held invalid, such
25 invalidity shall not affect any other provision or application of this Act,
26 which can be given effect without the invalid provision or application, and
27 to this end the provisions of this Act are severable.

1 **Section 9. Effective Date.**

2 (1) Section 2, Article 1 of this Act shall take effect on October
3 1, 1997.

4 (2) The Department of Vocational Rehabilitation shall
5 continue to function as described in Title 17, Chapter 41, until the
6 repeal and reenactment as outlined in Section 2, Article 2 of this Act
7 at which time shall take effect on October 1, 1997.

8 (3) Section 2, Article 3 of this Act shall take effect on October
9 1, 1997 except for §41308 and §41309, which shall become effective
10 upon enactment of this Act.

11 (4) Sections 3, 4, 5, 6 and 7, 8 and 9 of this Act shall take effect
12 upon enactment of this Act.