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BLIND, OHIO COMMISSION FOR—AUTHORIZED BY LAW TO PROVIDE “VOCATIONAL REHABILITATION” FOR BLIND PERSONS—FEDERAL VOCATIONAL REHABILITATION ACT, AMENDED BY VOCATIONAL REHABILITATION ACT AMENDMENTS, 1943.

SYLLABUS:

The Ohio Commission for the Blind is authorized by law to provide vocational rehabilitation for blind persons as the term “vocational rehabilitation” is used in the federal Vocational Rehabilitation Act, as amended by the Vocational Rehabilitation Act Amendments of 1943.

Columbus, Ohio, September 28, 1943.

Hon. Herbert R. Mooney, Director of Public Welfare,
Columbus, Ohio.

Dear Sir:

You have requested my opinion as to whether or not the Ohio Commission for the Blind is authorized by law to provide vocational rehabilitation within the meaning of the term as used in the federal Vocational Rehabilitation Act, as amended by the Vocational Rehabilitation Act Amendments of 1943. The Vocational Rehabilitation Act, as so amended, has been codified as Sections 31 to 41, both inclusive, of Title 29, U. S. C. In your letter, you have set forth a portion of Section 2 of the Vocational Rehabilitation Act, as so amended, and have also set forth Sections 1363, 1366, 1367 and 1368, General Code.

The Vocational Rehabilitation Act, as amended, provides for payments to the various states of the United States by the federal government for the purpose of vocational rehabilitation of disabled individuals. Section 2 of the Act, as amended, (Section 32, Title 29, U. S. C.) provides in part:

“(a) To be approvable under this Act, a State plan for vocational rehabilitation shall—

(1) Designate the State board of vocational education (herein referred to as the ‘State board’) as the sole agency for the administration, supervision, and control of the State plan; except that where under the State’s law, the State blind commission, or other agency which provides assistance or services to the adult blind is authorized to provide them vocational rehabilitation, the plan shall provide for administration by such State blind commission or other State agency of the part of the plan under which

vocational rehabilitation is provided the blind: Provided, That in any State which by law has established a rehabilitation commission prior to the date of enactment of this Act, with authority to provide rehabilitation services to disabled individuals, the State board may delegate to such commission all or any part of the operation of the State plan, under a written agreement of cooperation approved by the Administrator."

Sections 1363, 1364, 1366 and 1368, General Code, respectively provide:

Section 1363:

"The commission for the blind shall act as a bureau of information and industrial aid, the object of which shall be to assist the blind in finding employment and to teach them industries which may be followed in their homes."

Section 1364:

"It shall be the duty of the commission for the blind to prepare and maintain a complete register of the blind in the state which shall describe the condition, cause of blindness, capacity for educational and industrial training of each, and such other facts as the commission deems of value."

Section 1366:

"The commission for the blind may establish, equip and maintain schools for industrial training and workshops for the employment of suitable blind persons, pay the employes suitable wages and devise means for the sale and distribution of the products thereof. The commission may also provide or pay for during their training the temporary lodging and support of pupils or workmen received at any industrial schools or workshops established by it."

Section 1368:

"In furtherance of the purposes of this chapter, the commission for the blind shall have authority to use any receipts or earnings that accrue from the operation of industrial schools and workshops as provided in this chapter, but a detailed statement of receipts or earnings and expenditures shall be made monthly to the auditor of state."

The terms "vocational rehabilitation" and "rehabilitation services" are defined in subsection (a) of Section 10 of the Vocational Rehabilitation Act, as amended (Section 40, Title 29, U. S. C.) as follows:

“The term ‘vocational rehabilitation’ and the term ‘rehabilitation services’ mean any services necessary to render a disabled individual fit to engage in a remunerative occupation.”

Since the Blind Commission is authorized to teach blind persons “industries which may be followed in their homes,” and to “establish, equip and maintain schools for industrial training and workshops for the employment of suitable blind persons,” it is clear that such Commission is authorized to perform “services necessary to render a disabled individual fit to engage in a remunerative occupation.”

It follows that I am therefore of the opinion that the Ohio Commission for the Blind is authorized by law to provide vocational rehabilitation for blind persons as the term “vocational rehabilitation” is used in the federal Vocational Rehabilitation Act, as amended by the Vocational Rehabilitation Act Amendments of 1943.

Respectfully,

THOMAS J. HERBERT,
Attorney General.