CHAPTER 47

VOCATIONAL REHABILITATION; SPECIALIZED PROGRAMS FOR PERSONS WITH DISABILITIES

47.01 Definitions. In this chapter:

(1) “Blind” means central visual acuity that does not exceed 20/200 in the better eye with correcting lenses or a visual field that subtends an angle no greater than 20 degrees.

(1m) “Department” means the department of workforce development.

(2) “Employability” means that the provision of vocational rehabilitation services is likely to enable an individual to obtain or retain employment consistent with his or her capacities and abilities in the competitive labor market, the practice of a profession, self-employment, homemaking, farm or family work, sheltered employment, home-based employment or other gainful work.

(3) “Person with a disability” means any person who has a physical or mental disability that constitutes or results in a substantial barrier to employment and who can reasonably be expected to benefit in terms of employability from the provision of vocational rehabilitation services.

(3g) “Person with a severe disability” means any person with a disability who has a severe disability that seriously limits one or more functional capacities, including mobility, communication, self-care, self-direction, work tolerance, or work skills, in terms of employability, whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time and who has one or more physical or mental disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

(3m) The department shall:
(a) Make vocational rehabilitation services under this chapter available in every county to all persons with disabilities who are present in the state, regardless of residency.
(b) Provide that persons with severe disabilities will receive priority for services under this chapter.
(c) 1. Advise and assist any person with a disability who applies to the department concerning his or her rehabilitation.
2. Provide full and prompt consultation with, and preliminary diagnostic study for, each person who applies for vocational rehabilitation services to determine if a vocational rehabilitation plan is feasible.
3. Acquaint each person for whom a vocational rehabilitation program is feasible with the vocational rehabilitation services available under this chapter, counsel the person concerning selection of a suitable vocation, assist the person in identifying vocational needs and provide the services necessary for vocational rehabilitation.
4. Register and keep records for each person with a disability who uses the vocational rehabilitation services provided under this chapter.
(d) Provide medical or other evaluations at no cost to the applicant to determine the applicant’s eligibility for vocational rehabilitation services under this chapter.
(e) Provide assessment and evaluation services appropriate to each individual, develop an individualized written rehabilitation program with each person with a disability and develop and supervise services that are part of the vocational rehabilitation program of any person with a disability.
(f) Assure that eligibility for vocational rehabilitation services under this chapter is determined without regard to sex, race, age, creed, color, or national origin of the individual applying for services, that no class of individuals is found ineligible solely on the basis of type of disability and that no age limitations for eligibility exist which, by themselves, would result in ineligibility for vocational rehabilitation services.
(g) Aid persons with disabilities in securing the services needed to make them more employable, place persons with disabilities in suitable occupations and provide postemployment services, as defined in the rehabilitation program developed under par. (e) of a person with a disability, necessary to maintain employment.
(h) Consider the views of persons who receive vocational rehabilitation services or their parents, guardians or legal custodians and of vocational rehabilitation professionals and providers of vocational rehabilitation services concerning general policy administration of the department’s vocational rehabilitation program.
(i) Provide vocational rehabilitation services to blind and visually impaired persons, appropriate to each individual.
(j) Maintain current records and statistics on all blind and visually impaired persons in the state concerning vocational rehabilitation, rehabilitation teaching and other departmental services.
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provided and the results achieved in order to plan its services to
blind and visually impaired persons.

(k) Maintain a cooperative relationship with counties to assist
in administering and providing uniform services to blind and visu-
ally impaired persons throughout the state, to prevent duplication
of effort and to ensure that blind and visually impaired persons
receive adequate services.

(L) Promote the establishment of local resources for the voca-
tional rehabilitation of persons with disabilities.

(m) Except as provided in par. (n), determine the financial need
of persons with disabilities based upon a uniform fee schedule as
provided under s. 46.03 (18) for the provision or purchase of voca-
tional rehabilitation services specified in the rehabilitation pro-
gram developed under par. (e) of the person with a disability.

(n) Assure that no financial needs test is applied as a condition
for the provision of counseling, guidance, referral and job place-
ment services. Those services shall be provided at no cost to per-
sons determined eligible for services under this chapter.

(o) Report to the federal department of education as required
in 29 USC 721 (a) (10).

(5) Any person aggrieved by a determination of eligibility or
ineligibility for vocational rehabilitation services or by the fur-
nishing or denial of vocational rehabilitation services may com-
merce an appeal as provided under rules promulgated by the
department.

(6) The department may:

(a) From the appropriation under s. 20.445 (5) (a), provide
financial aid to any person with a disability who is receiving voca-
tional rehabilitation training and who has no other source of aid.

(b) Accept gifts, grants and donations to be used for the pur-
poses of this chapter. The department shall deposit all moneys
received under this paragraph in the appropriation under s. 20.445
(5) (i).

(c) Provide personal assistance services to any person with a
disability through county departments of human services or social
services under s. 46.215, 46.22 or 46.23, aging units as defined in
s. 46.82 (1) (a) or other persons.

(7) (a) Except as provided in par. (b), no person may disclose
any information concerning any person who applies for or
receives vocational rehabilitation services without the consent of
the person except when necessary for the administration of this
chapter or to carry out a person’s rehabilitation plan developed
pursuant to this chapter. The department shall promulgate rules
to administer this subsection.

(b) 1. Paragraph (a) does not prohibit disclosing information
of a summary or statistical nature.

2. Any person who has applied for or received vocational
rehabilitation services may obtain access to his or her records
under rules promulgated by the department.

(c) Any person who violates this subsection or a rule promul-
gated under this subsection shall be fined not more than $500 or
imprisoned not more than 6 months or both.

82 ss. 4 to 20; 2003 a. 33; 2013 a. 20; 2015 a. 55.
Cross-reference: See also chs. DWD 65, 68, and 75, Wis. adm. code.

47.03 Specialized programs for persons with disabili-
ties. (2) The department may accept gifts, grants and donations
both for the purposes of this section. The department shall
deposit all moneys received as gifts, grants and donations in the
appropriation under s. 20.445 (5) (i).

(3) (a) No person may advertise any product as being blind-
made or sell or distribute any product that is advertised as being
blind-made unless at least 75 percent of the labor involved in cre-
ating the product was performed by blind or visually impaired per-
sons. Work involving the preparation, processing, assembling or
packing of a product shall be included in calculating the total labor
involved in creating the product, while work involving supervi-
son, administration, inspection, shipping or the production of
materials from which a finished product is created shall be
excluded from the calculation.

(b) The department shall offer to manufacturers and sellers of
blind-made products labels which indicate that a product was
made by blind persons. The labels shall be sold at a price that
defrays the cost of producing or purchasing the labels.

(c) The department shall investigate each complaint concern-
ing a violation of this subsection and shall refer each complaint
that it finds justified to the district attorney of the county in which
the alleged violation occurred for prosecution.

(d) Any person who violates this subsection shall be fined not
more than $10,000 or imprisoned for not more than 9 months or
both.

(4) (a) The department shall establish a supervised business
enterprise program for blind persons in which the department
owns, leases, manages, supervises, provides consulting services
to or operates businesses for the benefit of blind persons, with the
ultimate objective of enabling blind persons to operate their
own businesses. The department shall offer blind persons first right
to operate these businesses.

(b) The department may charge a portion of the expenses of its
supervised business enterprise program to the net proceeds of
each business operating under the program. The department shall
establish the procedure for setting these charges by rule, with the
participation of a committee of blind vendors established under 20
USC 107b-1. The department shall deposit the moneys from the
charges made under this paragraph in the appropriation accounts
under s. 20.445 (5) (h) and (he).

(c) The department may sell equipment and stock at a fair
value, based on condition and serviceability, to any blind person
who operates a business under this subsection if all of the follow-
ing conditions are met:

1. The person can pay for the purchase.

2. The person has received permission from the building man-
ger to use the building in which the business is located.

3. The person has competently operated the business under
departmental supervision for at least one year. The department
shall define “competently operated” by rule.

(d) If the department sells equipment or stock to a blind person
under par. (c), the purchaser shall:

1. Keep the property in good repair and replace worn-out or
obsolete equipment.

2. Furnish written reports containing all information the
department requires at times specified by the department.

3. Operate the business in accordance with this section and
with 20 USC 107 to 107f.

(e) If the department sells equipment or stock to a blind person
under par. (c), the bill of sale shall give the department the first
right to repurchase the business and its assets if the blind person
resells the business or dies. The department’s repurchase shall be
at a fair value, based on condition and serviceability, but the
department may only exercise its right to repurchase within 90
days after it receives notice of the blind person’s intention to resell
the business or of the blind person’s death. The bill of sale shall
also require the purchaser to resell the business and its assets to
the department at a fair value, based on condition and serviceability,
if the purchaser fails to operate the business in accordance with
the bill of sale, with this section or with 20 USC 107 to 107f. If
the department repurchases a business under this paragraph it shall
offer the right to operate the business as provided in par. (a).

(5) The department shall establish and maintain businesses
under sub. (4) in state buildings if the department finds that a busi-
ness would be feasible and profitable.

(6) If no blind person is available to operate a business estab-
lished under sub. (4), the department may operate the business
until a blind operator is available.

(7) If the department decides that a business under sub. (4)
would not be feasible and profitable in any state building, the

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department may contract with vending machine operators to install vending machines in the building, giving preference to blind operators of vending machines. The department may, under the procedures established as required under sub. (4) (b), charge the net proceeds of each business operating under this subsection. The department shall deposit the moneys from the charges made under this subsection in the appropriation account under s. 20.445 (5) (h) and shall disburse the proceeds to provide services to blind persons under sub. (4) in accordance with 20 USC 107 to 107H.

(8) A blind person participating in the supervised business enterprise program who is aggrieved by an act or omission of the department may commence a grievance proceeding under rules promulgated by the department.

(9) The council on blindness shall make recommendations to the department and to any other state agency concerning procedures, policies, services, activities, programs, investigations and research that affect any problem of blind or visually impaired persons. The department shall consult with the council concerning its programs that affect blind or visually impaired persons; the council may initiate consultations with the department. Upon request the department shall provide information to the council relating to matters concerning blind or visually impaired persons, but only information of a summary or statistical nature.


Cross-reference: See also ch. DWD 60, Wis. adm. code.

47.035 Fiscal agents for persons with disabilities. (1) Except as authorized in sub. (2) if an individual receives direct funding for personal assistance services that are provided to the individual under s. 47.02 (6) (c), and the services are provided through a county department of human services or social services or an aging unit, the county department or aging unit through which the services are provided shall serve directly as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for that individual for the purposes of performing the responsibilities and protecting the interests of the individual under the unemployment insurance law. The fiscal agent under this subsection is responsible for remitting any federal unemployment compensation taxes or state unemployment insurance contributions owed by the individual, including any interest and penalties which are owed by the individual; for serving as the representative of the individual in any investigation, meeting, hearing or appeal involving ch. 108 or the federal unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and for receiving, reviewing, completing and returning all forms, reports and other documents required under ch. 108 or the federal unemployment tax act on behalf of the individual.

(2) An individual may make an informed, knowing and voluntary election to waive the right to a fiscal agent under sub. (1). The waiver may be as to all or any portion of the fiscal agent’s responsibilities. The waiver may be rescinded in whole or in part at any time.

History: 1993 a. 373; 1997 a. 39, 112; 1999 a. 82.

47.04 Contractual services. The department may contract with nongovernmental agencies to provide the agencies vocational rehabilitation services.

History: 1985 a. 29.

47.05 Employment First initiative. (1) In this section:

(a) “Agency” has the meaning given in s. 13.172 (1).

(b) “Competitive integrated employment” has the meaning given in 29 USC 705 (5).

(c) “Working age” means an age that is at least 16 and includes the age at which a child with a disability becomes eligible for transition services under subch. V of ch. 115.

(2) All publicly funded programs that provide services and supports to working age persons with disabilities, when supporting the participation of persons with disabilities in activities outside their homes, shall prioritize the competitive integrated employment of persons with disabilities.

(3) The department shall, with assistance from the department of health services and the department of public instruction, lead a collaboration among all agencies that administer programs that provide services and supports to working age persons with disabilities to promote the competitive integrated employment of those persons while ensuring the self-determination and informed choice of the individual.

(4) (a) The department of workforce development, the department of health services, and the department of public instruction shall collaborate and, with the input of stakeholders including the Wisconsin Rehabilitation Council as established under 34 CFR 361.16, jointly develop a plan establishing specific performance improvement targets and describing specific methods used to coordinate efforts to ensure that programs, policies, and procedures support competitive integrated employment as described under sub. (2) The departments shall update the plan at least biennially.

(b) 1. The department of workforce development, the department of health services, and the department of public instruction shall each report on the progress, outcomes, and achievements that each department has made in increasing participation in competitive integrated employment in accordance with the plan under par. (a), including information collected over the most recent period for which data are available. The departments shall make the reports required under this subdivision at least annually.

2. The department of workforce development, the department of health services, and the department of public instruction shall include all of the following in the reports under subd. 1.: a. A statement regarding the targets established in the plan under par. (a).

b. Steps taken by the departments, individually and collectively, to achieve the targets established in the plan under par. (a).

c. The number of working age persons with disabilities who received publicly funded services through each department during the most recent period for which data are available and the number of those persons identified who are employed in competitive integrated employment during that period.

d. The percentage change that the numbers under subd. 2. c. represent as compared to the numbers from the previous period.

e. To the extent available through the departments’ data systems, data on the average number of hours worked and wages earned by persons described in subd. 2. c. who are employed in competitive integrated employment.

f. Information appropriate to each department related to progress in achieving the targets established under par. (a).

g. Identified barriers to achieving the goals and objectives established under this section and strategies and policy changes in accordance with this section for each department, acting individually and collectively, to overcome or mitigate those barriers.

h. A statement or analysis specifically detailing the impact that the collaboration under sub. (3) has had on each department’s progress, outcomes, and achievements in increasing participation in competitive integrated employment.

3. In addition to reporting data under subd. 2. c. to e. on a statewide basis, the departments shall also report the data by region, county, or other geographic subdivision if data are already available on any such basis through the departments’ data systems.

(c) 1. The department of workforce development, the department of health services, and the department of public instruction shall do one or more of the following with respect to the reports described in par. (b): a. Prominently publish or otherwise provide access to the reports on each department’s Internet site.

b. Publish the reports through a single, state-maintained Internet site.

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2. The department of workforce development, the department of health services, and the department of public instruction shall, in conjunction with the reports under subd. 1., also prominently publish or otherwise provide access to the current plan developed under par. (a).

(5) The department of workforce development, the department of health services, and the department of public instruction shall share information with other agencies on their progress in supporting competitive integrated employment under sub. (2). The department of workforce development, the department of health services, and the department of public instruction shall share with other agencies the number of working age persons with disabilities employed in competitive integrated employment through programs administered by that department.

(6) The department of workforce development, the department of health services, and the department of public instruction may each promulgate rules to implement this section. A department may not promulgate rules in implementing this section that limit access to or choice of allowable services, including prevocational services provided in accordance with 42 CFR parts 440 and 441, in the family care program under ss. 46.2805 to 46.2895, the Family Care Partnership program, and the self-directed services option, as defined in s. 46.2899 (1).

(7) Nothing in this section shall be construed to limit access to or choice of allowable services, including prevocational services provided in accordance with 42 CFR parts 440 and 441, in the family care program under ss. 46.2805 to 46.2895, the Family Care Partnership program, and the self-directed services option, as defined in s. 46.2899 (1).

History: 2017 a. 178.

47.07 Project SEARCH. (1) The department shall allocate for each fiscal year at least $250,000 from the appropriation under s. 20.445 (1) (b) for contracts entered into under this section.

(2) The department may enter into contracts to provide services to persons with disabilities under the Project SEARCH program operated by the Cincinnati Children’s Hospital or its successor organization.

History: 2019 a. 9.