§ 1004. Powers and duties of the education department.

The education department shall have the responsibility of and is hereby authorized:

1. To adopt and promulgate such rules and regulations and take such action as may be necessary to carry out the provisions of this article.

2. To provide vocational rehabilitation services directly or through public or private instrumentalities for handicapped persons (excepting blind persons and, with respect to physical restoration services, those persons who are entitled to such services pursuant to the workers' compensation law and the volunteer firefighters' benefit law) whose vocational rehabilitation the department determines after full investigation may be satisfactorily achieved. In the course of its investigation of an individual applicant's vocational rehabilitation potential the department may conduct an extended evaluation program including utilization of such vocational rehabilitation services as it deems necessary.

3. To enter into reciprocal agreements with other states to provide for the vocational rehabilitation of handicapped persons.

4. To engage in and contract for the making of studies, investigations, demonstrations, research and reports, and the provision of training and instruction (including the establishment and maintenance of fellowships and traineeships with such stipends and allowances as may be deemed necessary) the assessment of existing facilities and services and the evaluation of present and future requirements, including plans for the purposes enumerated above in matters relating to vocational rehabilitation.

5. To arrange and pay part of the cost of projects leading to the construction of workshops and rehabilitation facilities and the extension and improvement or the establishment of vocational rehabilitation services for handicapped persons, including the furnishing of equipment or the furnishing of funds for the purchase of

equipment and supplies, personnel and other necessary and proper expenses in the construction, establishment, improvement, continuation or extension of rehabilitation facilities and workshops operated by public or nonprofit organizations and agencies.

6. To cooperate in the operation of this article with the state agency or agencies administering the state's public assistance program, workmen's compensation program, the departments of health, mental hygiene, the federal agencies charged with the administration of the federal social security act and the federal fair labor standards act or other appropriate federal legislation and with other public and private agencies providing services related to vocational rehabilitation, and with the state system of public employment offices in the state, making maximum feasible utilization of the job placement and employment counseling services and other services and facilities of such offices, and to issue such certifications as are required or indicated thereby.

7. Within its discretion, to consider financial need of handicapped individuals for the purposes of determining the extent of their respective participation in the costs of vocational rehabilitation services and to promulgate rules and regulations establishing financial need as a condition to the availability of any of the services specified in paragraph a of subdivision five of section one thousand two of this chapter except that no economic need test will be applied as a condition for furnishing the following vocational rehabilitation services: (a) evaluation, including diagnostic and related services; (b) counseling and guidance; and (c) placement.

8. To supervise and monitor service centers for independent living pursuant to article twenty-three-A of this chapter.

9. To contract with not-for-profit organizations for the provision of supported employment services, as defined in subdivision twelve of section ten hundred two of this article, to individuals having severe disabilities defined in subdivision fourteen of section one thousand two of this article in integrated work settings. The commissioner shall ensure that funds provided pursuant to this subdivision are not used for

the provision of services that are the responsibility of other state agencies pursuant to the plan developed pursuant to subdivision two of section one thousand four-b of this article. Services shall be provided at a cost not to exceed that which is necessary and reasonable, and shall include short-term intensive and extended support mechanisms within an integrated work setting. The commissioner shall require service providers to develop appropriate policies and procedures for directing their supported employment programs, and to provide such reports as the commissioner deems to be appropriate.