

(H. B. 2262)

(No. 255)

(Approved November 30, 2006)

AN ACT

To amend subsection (A) of Section 8 of Act No. 51 of June 7, 1996, as amended, known as the “Integral Educational Services for Persons with Disabilities Act,” in order to modify the composition of the members of the Consulting Committee to provide more balance with respect to the interests of persons with disabilities.

STATEMENT OF MOTIVES

The poor service rendered to persons with disabilities by the Department of Education is constantly criticized by the news media. In view of this situation, the Legislature of Puerto Rico has engaged in the duty to promote legislation directed to improve the quality of life of said persons.

To such purposes, Act No. 51 that created the Integral Educational Services for Persons with Disabilities Act was promulgated in 1996. The same states that the Government of Puerto Rico reasserts its commitment of promoting the constitutional rights of every person to a free education which shall be directed to “the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” To achieve this purpose, the government shall work together with the family, since the integral development of a person with disabilities must be accomplished within his/her family context. In order to be able to attain this purpose, a Consulting Committee comprised of twenty-one members was created, with the duty to study the problems of persons with disabilities and

make recommendations to the Secretary and the corresponding executive agencies on the necessary measures to be taken in order to prevent and correct such problems.

Furthermore, it has the task of studying and evaluating any legislation and regulations in effect that affects the sound development of the Integral Educational Services for Persons with Disabilities Act, in order to recommend any legislation and regulation deemed necessary to such ends, and of promoting the creation of education and orientation programs in benefit of persons with disabilities, among others.

However, the members of the Committee complain that most of its designees are part of the Government and since they are not persons with disabilities this sector of the population has not been well represented. They have claimed that it is imperative to modify the composition of the Committee to conform the same to the requirements of the federal “Individuals with Disabilities Education Improvement Act” as to the representation of the members of the advisory body.

The modification proposed herein is an answer to the suggestions made by the Office of the Advocate for Persons with Disabilities. In accordance with said Office, the representation of the public interest must be constituted by a substantially equal number of members, in order to maintain a balance in the interests but keeping an uneven number of members to avoid draws at the time of possible voting.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (A) of Section 8 of Act No. 51 of June 7, 1996, as amended, is hereby amended to read as follows:

“Section 8.- Consulting Committee

A. Composition

The Secretary shall constitute a Consulting Committee composed of twenty-three (23) members, of which eleven (11) shall represent the public interest and shall be designated by him/her. These shall be four (4) persons with disabilities, of which one shall be a youth with disabilities under the age of twenty-two (22) throughout his/her incumbency, three (3) shall be parents of children or youths with disabilities, one shall represent the 0-4 population, another the 5-12 population, and the third, the 13-21 population; one (1) private citizen of recognized interest in the problems that affect children and youths with disabilities; two (2) specialists in related services, one of which shall be a school psychologist, and one representative of the Parents of Children with Disabilities Association (APNI, Spanish acronym).

In representation of the government, two teachers shall be designated from the Department of Education, one (1) shall be a special education teacher and the other shall be a regular education teacher, one (1) school director, one (1) regional director; from the Department of Health, one (1) representative of the Office of the Deputy Secretary for Health Protection and Promotion, one representative of the Mental Health and Addiction Services Administration; from the Sports and Recreation Department one (1) representative of the Secretary; from the Department of the Family, one (1) representative of the Secretary, which shall be from the Families and Children Administration; from the Department of Labor and Human Resources, one (1) representative of the Secretary, and one (1) representative of the Vocational Rehabilitation Administration; from the Corrections and Rehabilitation Department, one (1) representative of the Secretary; and from the University of Puerto Rico, one (1) representative of the President.

The members of the Consulting Committee designated by the Secretary shall be in office for a four-year (4) term, or until their successors

are appointed and take office. The representatives of the Secretaries of the Departments of Health, Sports and Recreation, of the Family, of Corrections and Rehabilitation, of Labor and Human Resources, and of the University of Puerto Rico shall be appointed by the Secretary of the Department they represent; likewise, the representative of the President of the University of Puerto Rico shall be appointed by the President. The initial appointment of the eleven (11) representatives of the public interest shall be made in the following manner: four (4) members for a two-year term, four (4) members for a three-year term, and three (3) members for a four-year term.

Upon the conclusion of the terms of the initial appointments, the subsequent appointments shall be for four-year (4) terms.

The Committee shall evaluate the performance of its members every (2) two years and shall submit its recommendations to the Secretary. The Secretary may dismiss the officials appointed by him/her or request the dismissal of any representative of another Department for just cause, upon prior notice and holding of hearings. In the event of a vacancy, the Secretary shall make a new appointment for the remainder of the term of the person who has been replaced.

The Committee shall elect a chairperson from among its members.

The members of the Committee who are not public officials or employees shall receive per diems, as provided in the regulations of the Department of Education for each day of session to which they attend.

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Section 2.- It is hereby provided that the changes in the composition of the Committee contained herein be made gradually as the terms of the members currently representing the public interest expire. In the case of the changes regarding the members currently representing the Government,

these shall be made immediately. However, the present members shall remain in their office as acting members until their successors are appointed.

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 255 (H.B. 2262) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (A) of Section 8 of Act No. 51 of June 7, 1996, as amended, known as the “Integral Educational Services for Persons with Disabilities Act,” in order to modify the composition of the members of the Consulting Committee to provide more balance with respect to the interests of persons with disabilities,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 16th of August of 2007.

Francisco J. Domenech
Director