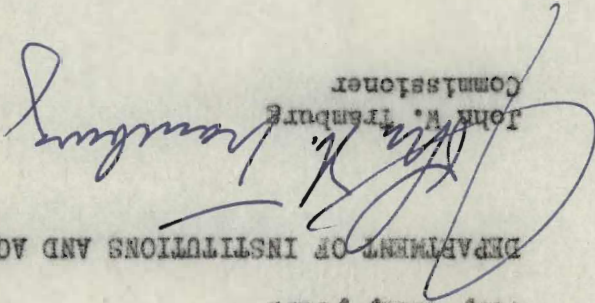


cc: Mr. Brendan J. Byrne, Secretary to the Governor  
Mr. Elmer A. Andrews, Director, Division of Welfare  
Mrs. Elizabeth Feehan, Assistant to the Commissioner

JWL:29  
Enc1

DEPARTMENT OF INSTITUTIONS AND AGENCIES  
John W. Treanor  
Commissioner



Very truly yours

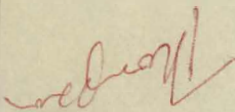
Amendment 1 to the Federal-State Plan for Vocational  
Rehabilitation of Blind Persons.

Enclosed herewith for filing is the following regulation of the  
State Commission for the Blind of the Division of Welfare of this  
Department:

Dear Secretary Patten:

Honorable Edward J. Patten  
Secretary of State  
State House  
Trenton, New Jersey

December 19, 1956



Name of Institution, Agency, etc.

New Jersey State Commission for the Blind

REGULATION # 3 - Plan for Vocational

Rehabilitation of Blind  
Persons.

ISSUED: 11/29/56

TITLE: Amendment I, Establishment of Rehabilitation Facilities

SUBJECT: Vocational Rehabilitation of Blind Persons

STATUTORY REFERENCE: Revised Statutes 30:6-1 and 30:6-11

This regulation is issued pursuant to Memorandum Opinion issued by  
Deputy Attorney General Urbaniak under date of November 8, 1956. (Copy  
attached)

Approved:

BY

*John N. Trumbull*

George F. Meyer  
Executive Director

*G. Meyer*

November 29, 1956

Dr. Alonzo Yerby  
Acting Regional Representative  
Department of Health, Education, and Welfare  
Office of Vocational Rehabilitation  
Region II, 42 Broadway  
New York 4, New York

Dear Dr. Yerby:

On May 25, 1956 we submitted Section 23, Establishment of Rehabilitation Facilities, as an amendment to our approved State Plan for Vocational Rehabilitation. Action on this was deferred pending clarification of the legal status of the Training Center operated by this Commission. We enclose herewith six (6) copies of an Attorney General's opinion which clearly supports the Commission's legal authority for the operation of a rehabilitation facility. May we ask that you review this material as promptly as possible and advise us with reference to your approval which we trust can be made effective July 1, 1956.

For your convenience we enclose a copy of the earlier Plan material forwarded to Mr. Levy on May 25 last.

Sincerely yours,

COMMISSION FOR THE BLIND

George F. Meyer  
Executive Director

GFM:JK:ac  
Encls. (7)



copies sent  
to Mr. Guly  
11/29/66

make  
10 copies

*[Handwritten signature]*  
This is only upon  
rec. M

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW  
STATE HOUSE ANNEX  
TRENTON 7

HAROLD KOLOVSEY  
ASSISTANT ATTORNEY GENERAL

GROVER C. RICHMAN JR.  
ATTORNEY GENERAL

November 8, 1956

The Honorable John W. Tramburg, Commissioner  
Department of Institutions and Agencies  
State Office Building  
Trenton, New Jersey

MEMORANDUM OPINION

Dear Commissioner Tramburg:

You desire to be advised whether the New Jersey Commission for the Amelioration of the Condition of the Blind is empowered by law to operate a facility for the training and adjustment of blind persons.

We believe that the said commission is so empowered for the reasons set forth herein.

The commission is designated as an agency of the State of New Jersey, under jurisdiction of the Department of Institutions and Agencies, in R.S. 30:1-7.

It is provided in R.S. 30:6-1 that "The commission \*\*\*shall provide all means which it deems feasible for ameliorating the condition of the blind and shall prepare and maintain a register of all the blind within the state."

Having reference to the obligation imposed upon the commission by the language of this section, it was stated in Rutgers College v. Morgan, 70 N.J.L.460 (Supreme Ct. 1904), dealing with the question of the constitutional validity of providing education for handicapped persons, that (P. 472):

"Substantial classes may be selected for education by the state as well as property may be selected by a proper classification for taxation. The legislature has provided for the instruction of deaf, dumb, blind and feebleminded persons."

The decision leads to the conclusion that state funds may properly be utilized for payment of tuition of afflicted persons requiring a special type of education because of their handicap.

The commission is given a broad grant of power with

regard to training of blind persons for useful occupations as follows:

"R.S. 30:6-2. The commission during each fiscal year may expend such sum as shall be appropriated, for the practical encouragement, by loans of capital, of stock in trade, or of tools and apparatus, to blind persons desirous of earning a living by any form of business or productive activity. The commission may also loan any of the moneys provided pursuant to the provisions of this chapter for the amelioration of the condition of the blind, and contract for the repayment of the same, and the moneys when repaid shall form a part of the fund to be kept and maintained by the board for its work."

There is almost a restatement of this general principle in R.S. 30:6-11 where it is said:

"When, upon investigation, the commission finds that any blind person who has been a resident of this State for one year immediately preceding the date of application or who has lost his sight in this State, or who was a resident of this State prior to April eighth, one thousand nine hundred and twenty-one, may be enabled to earn his living in part or in whole, by a course of special instruction or training, the commission may grant sufficient funds to, or in behalf of, a blind individual for the purpose of defraying the cost of board, tuition, travel expenses, tools, and other necessary training charges."

Thereafter, in the same section, it is provided that negotiations may be entered into with the Federal Government for the purpose of receiving contributions from it for the vocational rehabilitation of the blind and that "any funds so received shall be paid into the State Treasury and held for the use of the commission to be used, together with funds obtained from the State and from other sources, for the vocational rehabilitation of the blind\*\*\*\*."

Again, in R.S. 30:6-11, the State Board of Control of Institutions and Agencies is authorized to promulgate "necessary rules, regulations, standards, and policies for promoting and carrying through the vocational rehabilitation of blind individuals."

By an appropriate resolution dated October 11, 1956, the State Board of Control of Institutions and Agencies gave official recognition to the fact that the commission had operated a facility for the training and adjustment of blind persons since 1949, known variously as the Training Center or Curative Workshop, said facility having been acquired from the New Jersey Rehabilitation Commission. In said

resolution the State Board of Control directed that said facility should be continued and directed the commission to perform, among other things, the following functions at said Training Center:

- " (a) Make available suitable evaluation procedures to clients enrolled at the facility in order to determine the type of training or service which will best meet their needs.
- (b) Provide instruction and adjustment to the conditions of blindness, instruction in travel training and other conditioning services; also provide job try-out and prevocational training including training in homemaking; "

It appears that the legislature has appropriated funds for the operation of this facility by the Blind Commission since 1949, although official recognition was not given thereto by the State Board of Control as provided for in R.S. 30:6-11 until the resolution of the board of October 11, 1956. Thus, any technical legal objection that might have been raised heretofore with respect to the operation of the facility by the commission has been dispelled and it now operates under statutory authority implemented by a proper rule and regulation.

We are called upon to review what is generally termed "Welfare legislation". This for the reason that its sole function is to promote the welfare of blind persons and to train them for any useful occupations so that they might not become public charges but rather useful citizens.

It is stated in "Sutherland Statutory Construction" (3rd Edition Horack) Vol. 3, p. 397:

"Since a very early time the courts have been committed to the doctrine of giving statutes which are enacted for the protection and preservation of public health an extremely liberal construction for the accomplishment of their objectives."

Again, at page 432:

"The care of the state for its dependent classes is considered by all enlightened people as a measure of its civilization, and provisions for the proper care and treatment at public expense of the indigent sick and of those who for other reasons are unable to take care of themselves, is said to be among the unquestioned objects of public duty. Therefore, statutes enacted in fulfillment of this recognized public obligation should at all times be liberally interpreted."

A practicable method for the commission to realize its statutory objective to "provide all means which it deems feasible for ameliorating the condition of the blind" (R.S. 30:6-1) or otherwise establish adequate "vocational rehabilitation of the blind" (R.S. 30:6-11) is the establishment of a facility such as the Training Center, a place where blind persons are actually trained to pursue a gainful occupation.

We find ample legal authority and warrant in law for the operation of a rehabilitation facility by the commission.

Very truly yours,

GROVER C. RICHMAN, JR.,  
ATTORNEY GENERAL OF NEW JERSEY

By: Eugene T. Urbaniak  
Eugene T. Urbaniak,  
Deputy Attorney General

ETU:HH

May 25, 1956

**Mr. Adrian Levy, Regional Representative  
Department of Health, Education and Welfare  
Office of Vocational Rehabilitation  
Region II, 42 Broadway  
New York 4, New York**

**Dear Mr. Levy:**

We enclose herewith Amendment I to the Commission's Revised New Jersey State Plan for Vocational Rehabilitation of Blind Persons submitted to Miss Switzer on May 27, 1955 and subsequently approved effective June 1, 1955.

This Amendment contemplates no change in the approved Plan previously submitted but is an addition to that Plan through the addition of Section 23 titled, "Establishment of Rehabilitation Facilities."

As you know from prior discussions we have an existing Rehabilitation Training Center and are in process of changing over to larger quarters and expansion of the facility. We would appreciate a prompt review and early response from you with reference to approval of this Plan Amendment.

Sincerely yours,

COMMISSION FOR THE BLIND

**George F. Meyer  
Executive Director**

**GFM:JK:ac  
Encl.**

SECTION 23. ESTABLISHMENT OF REHABILITATION FACILITIES

23.1 Legal Authority.

Under Chapter 30:6-1 Revised Statutes of New Jersey, the Commission is empowered to "provide all means which it deems feasible for ameliorating the condition of the blind." In addition under Chapter 30:6-11 of the Revised Statutes, the Commission is empowered to set up courses of special instruction or training and to defray all necessary costs including tools, equipment and other training charges designed to render an individual vocationally rehabilitated.

These citations are interpreted to give the Commission authority to set up rehabilitation facilities including training centers which will enable blind people to be prepared through specialized adjustment and training procedures for employment suited to their abilities and needs.

23.2 Policies on Establishment of Rehabilitation Facilities.

- (a) As used in this section of the plan, a rehabilitation facility means a facility, operated for the primary purpose of assisting in the rehabilitation of blind or near blind individuals, (1) which provides one or more of the following types of services: testing, fitting, or training in the use of prosthetic devices; prevocational or conditioning therapy; physical or occupational therapy; adjustment training; evaluation, treatment, or control of special disabilities; or (2) through which is provided an integrated program of medical, psychological, social and vocational evaluation and services, under competent professional supervision, provided that the major portion of such evaluation and services is furnished within the facility and that all medical and related health services are prescribed by, or are under the formal supervision of, persons licensed to practice medicine or surgery in the State.
- (b) The establishment of rehabilitation facilities means (1) the expansion, remodeling, or alteration of existing buildings, necessary to adapt or to increase the effectiveness of such buildings for rehabilitation facility purposes; (2) the acquisition of initial equipment for such purposes; or (3) the initial staffing of a rehabilitation facility, for a period not exceeding one year.
- (c) Prior to the establishment of a rehabilitation facility the State agency will determine that need for the facility exists.
- (d) There will be coordination between the State rehabilitation agency

and the State agency administering the Medical Facilities Survey and Construction Act of 1954, so as to prevent duplication of rehabilitation facilities and impairment of the objectives of the State program developed under that Act. Coordination will be achieved through discussion and conference with the appropriate State authority.

### 23.3 Criteria and Standards for Rehabilitation Facilities.

1. In the establishment of rehabilitation facilities, the Commission will be guided by the following criteria:

(a) Physical plant - The physical plant of the facility shall meet, or through financial assistance provided under this section of the Plan shall be altered to meet, applicable local and State building codes and regulations.

(b) Equipment - The facility shall be adequately equipped to carry out its functions, or shall secure adequate equipment as a result of financial assistance provided under this section of the Plan. In the selection and purchase of new equipment, the facility will utilize the technical advice of persons qualified in the respective professional fields.

(c) Personnel - The facility shall be adequately staffed with personnel qualified to carry out its functions, or shall secure qualified staff through financial assistance provided by the State agency. In the employment of new personnel, the facility will establish minimum qualifications or use existing State Civil Service qualifications which are in accordance with professional standards in the respective fields.

(d) Administration - The facility shall observe sound administrative and management standards in its operation.

2. In connection with a facility which is an organizational unit of the State agency, all expenditures will be made and accounted for in accordance with appropriate State laws and regulations.

Where financial assistance is given to other public or non-profit agencies for the establishment of rehabilitation facilities, the State agency will require such reports of expenditures and will conduct such inspections as may be necessary to assure that the expenditures were made for the purposes for which financial assistance was provided to the facility.