

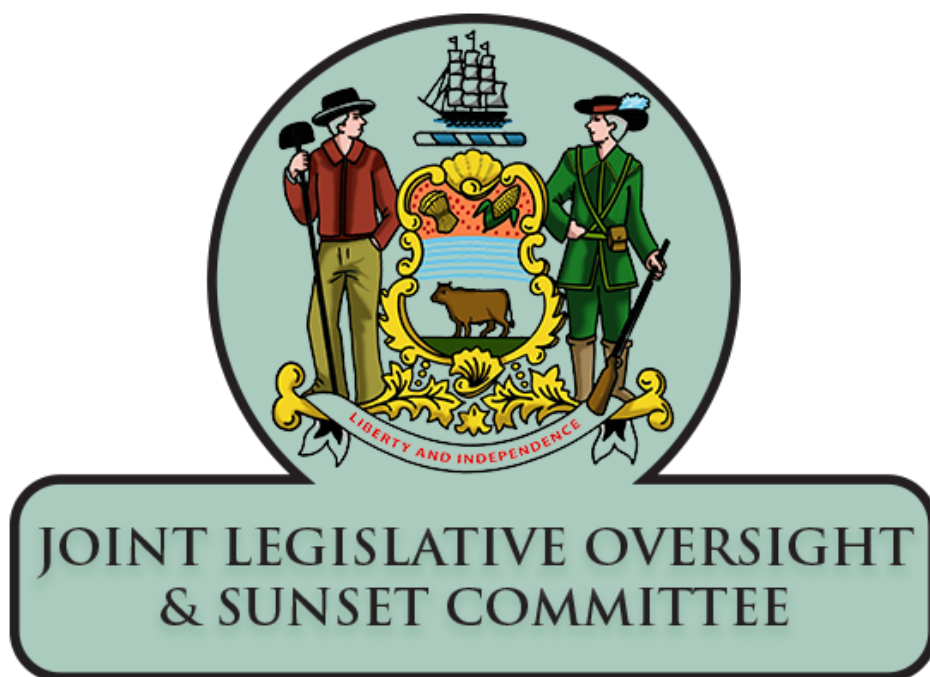
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## Division for the Visually Impaired

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*2020 Holdover Meeting*

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*Thursday, February 20, 2020  
12:00 p.m.  
House Majority Hearing Room  
Second Floor, Legislative Hall*

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Holdover Supplement Prepared by  
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## **2020 Joint Legislative Oversight and Sunset Committee Members**

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**Representative David Bentz, Chair**

**Senator S. Elizabeth Lockman, Vice Chair**

**Representative Andria L. Bennett**

**Senator Anthony Delcollo**

**Representative Sherry Dorsey Walker**

**Senator Stephanie L. Hansen**

**Senator Ernesto B. Lopez**

**Representative Jeff N. Spiegelman**

**Senator John J. Walsh**

**Representative Lyndon D. Yearick**

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Sen. S. Elizabeth Lockman, Vice-Chair  
Sen. Anthony Delcollo  
Sen. Stephanie L. Hansen  
Sen. Ernesto B. Lopez  
Sen. John "Jack" Walsh



## STATE OF DELAWARE

Rep. David Bentz, Chair  
Rep. Andria L. Bennett  
Rep. Sherry Dorsey Walker  
Rep. Jeff N. Spiegelman  
Rep. Lyndon D. Yearick

### JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

# **Joint Legislative Oversight and Sunset Committee Meeting House Majority Hearing Room Second Floor, Legislative Hall**

**Thursday, February 20, 2020  
12:00 p.m.**

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## **Agenda**

1. Welcome
2. Minutes
3. Division for the Visually Impaired
4. Adjournment

## 2020 Draft Recommendations

The task force process permitted additional time to research and gain additional perspectives on the previously drafted recommendations for the Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) review of the Division for the Visually Impaired (“DVI”). An overview of this information was presented to the Committee at the first DVI holdover meeting on January 28, 2020.<sup>1</sup> At the conclusion of that meeting, the Committee adopted the Committee Analyst’s recommendation to allow the Committee’s staff to revise the DVI recommendations within the scope of the JLOSC review process and based on all research obtained.

To provide a quick review for clarity and context, JLOSC performs periodic legislative reviews of agencies, commissions, or boards. The first objective in the review process is to determine if there is a public need for the entity. After determining public need, the review process then determines the entity’s effectiveness in performing duties to meet that need. In doing so, areas of improvement for the entity are discovered and addressed in the form of review recommendations.

It’s important to note that the purpose of the JLOSC review is not to terminate or “sunset” entities that are meeting a recognized State need and are providing accountability and responsiveness to public interests. **Rather, the purpose of the JLOSC review is to use the oversight mechanism to strengthen and support these entities.**

Keeping the oversight mechanism in mind, the research conducted on this review of DVI has highlighted the following key areas in need of strength and support:

- Statute
- Staffing
- Policy
- Funding
- Communication
- Education Services

Apart from recommendations 1 and 2, the following is the new and completely revised list of DVI recommendations for JLOSC to consider.<sup>2</sup> These recommendations are intended to address the matters identified in both the 2019 JLOSC Final Report and the 2020 Final Report of the JLOSC Task Force on DVI. DVI shall refer to these reports as guidance in meeting these recommendations.

### **Recommendation 1: Continue or Terminate**

Under §10213(a), Title 29, the Committee must determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select one of the following options.

Option 1: DVI shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: DVI is terminated. The Committee will sponsor legislation to implement the termination.

**05/09/2019: JLOSC adopted Option 1 after first consideration of this recommendation.**

---

<sup>1</sup> See Appendix A for meeting minutes and Fact Sheet for JLOSC Task Force on DVI.

<sup>2</sup> See Appendix B for previous set of recommendations, first reviewed on May 9, 2019.

### **Recommendation 2: General Statutory Updates & Technical Corrections**

JLOSC will sponsor a bill to make technical corrections to DVI's entire governing statute, including Chapter 79, Title 29; Chapter 21, Title 31.<sup>3</sup>

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 3: Additional Statutory Updates**

The review process has highlighted several areas of the Delaware Code relating to DVI that will require amendments beyond technical corrections. It was also identified that many of these sections have not been amended in at least 9 years, for some sections it has been much longer.

DVI shall work with JLOSC staff in developing legislation to address the areas of concern identified during the JLOSC review of DVI. These areas include, DVI's governing statute, Chapter 79, Title 29; Chapters 21 and 23, Title 31; braille literacy rights and education in Chapter 2, Title 14, State appropriations in Chapter 17, Title 14, and BEP provisions under the State pension plan in Chapter 55, Title 29 and Statewide contracts under Chapter 96, Title 16.

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 4: Analysis of Agency Structure – Staff and Funding**

DVI shall review and identify necessary changes across all program units dealing with staff levels and positions focusing on funding structures and development opportunities. DVI may consider consulting with other State agencies such as the Department of Human Resources for assistance.

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 5: Agency Staff – Training**

DVI shall review and identify current training needs of its staff and implement appropriate training. DVI may consider participating in Mandt System® training for employees working outside of the office. DVI may also consider conducting a survey of their employees to solicit feedback and consulting with the State Department of Human Resources for assistance in scheduling and availability of training courses available in the Delaware Learning Center.

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 6: Agency Staff – Policy and Procedure Manual**

DVI shall create and implement an internal manual with policies and procedures that will enhance staff communications, recruitment, onboarding, and retention procedures.

**02/20/2020: First consideration of this recommendation.**

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<sup>3</sup> The Committee's legislative attorney will draft any legislation resulting from approved recommendations, unless otherwise noted.

## **Recommendation 7: Create Agency Program Specific Policy and Procedure Manuals**

DVI shall create and implement a policy and procedure manual for each of its 5 service units: Education, Vocational Rehabilitation (VR), Independent Living Services (ILS), Orientation & Mobility (O&M), Assistive Technology (AT). Any associated supporting units such as the instructional materials unit and Business Enterprise Program (BEP) shall also be included.

Additionally, DVI provides administrative support for several advisory boards identified in the JLOSC Final Report published in June 2019.<sup>4</sup> In order to ensure clear communication, DVI will create a policy regarding the agency's coordination and administrative support provided to these groups.

Program policies will enhance service unit functionality and transparency. All policies shall be created by DVI using national standards and best practices, approved by the agency director, and posted on the agency's website. The following is not an exhaustive list but is an example of areas to address:

- Staff Standards, Qualifications, and Requirements
- Staff Training and Recruitment
- Staff Expectations
- Client Expectations (includes failure to cooperate)
- Requests for Services
- Authorization of Services
- Plan Development
- Service Standards
- Service Time Frames
- Qualifications and Requirements for Performing Assessments
- Case Management (opening, closing, re-opening, inactive)
- Closing and reopening cases due to "Failure to Cooperate"
- Coordination of Services
- Storage of Client Records
- Client's Rights to Records
- Informal/Formal Review Process and Mediation
- Client Transportation
- Communication of Policies
- Exceptions to Policies
- Technology Management
- Fiscal Management (could include payment for services and fee schedule)
- Staff Acting as a Family Member's Advocate (handling conflicts of interest)
- Coordination with the State's Department of Education (includes school districts)
- Coordination with Advisory Councils and Boards
- Coordination with Agencies and Non-Profits
- Coordination with Client's Family Members or Advocates
- Interns

**02/20/2020: First consideration of this recommendation.**

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<sup>4</sup> See Appendix C for relevant section of the 2019 JLOSC Final Report.

### **Recommendation 8: Education Services – Funding**

DVI shall continue working with national experts and the Delaware Department of Education in determining a suitable funding source for DVI services provided to students with blindness or visual impairment.

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 9: Education Services – Communication**

DVI shall continue working with the Delaware Department of Education (DOE) in efforts to improve communications which include creating or updating policies as follows:

- a. Develop and implement communication and procedure guidelines regarding DVI services for students in local school districts.
- b. Review its current Memorandum of Understanding (MOU) with DOE and work to bring meaningful modifications to the agreement.
- c. Develop a policy for education services from DVI to DOE.
- d. Develop a clear policy outlining the Individualized Education Program (IEP) process and protocol for blind and visually impaired students. This policy should include procedures and timeframes required for DOE and its districts to notify DVI of students with blindness or visual impairments.

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 10: Accessibility of DVI Offices**

DVI shall continue working with DeIDOT, DART, and various agencies in addressing and implementing accessibility measures to their new office locations. DVI shall submit updates on each site's progress to JLOSC.<sup>5</sup>

**02/20/2020: First consideration of this recommendation.**

### **Recommendation 11: Boards, Committees, or Councils related to DVI**

DVI shall review and report to JLOSC regarding the number of advisory boards and groups that relate to their agency's mission. The JLOSC Final Report published in June 2019 lists 6 groups and outlines their composition and staffing.<sup>6</sup> There are additional boards and councils that serve areas of interest and DVI could benefit from forming stronger communication channels. In some cases, DVI is not included in the board structure and would benefit from inclusion. The report shall include information such as board title, mission statement or purpose, statutory authority, and frequency of meetings. Additionally, the report should include a summary of DVI's current level of involvement with each board identified and any areas of improvement they have identified.<sup>7</sup>

**02/20/2020: First consideration of this recommendation.**

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<sup>5</sup> JLOSC staff will contact DVI with a report template and guidelines no later than March 31, 2020.

<sup>6</sup> See Appendix C for relevant section of JLOSC Final Report.

<sup>7</sup> JLOSC staff will contact DVI with a report template and guidelines no later than March 31, 2020.

**Recommendation 12: Follow Up Reporting**

DVI shall submit progress reporting to JLOSC staff<sup>8</sup> regarding the progress and implementation of Recommendations 3 through 11 on the following schedule:

- Progress Report #1 – July 31, 2020
- Progress Report #2 – December 1, 2020

**02/20/2020: First consideration of this recommendation.**

**Recommendation 13: Release from Review or Hold Over**

Option 1: DVI is released from review upon enactment of recommended policy and legislation.

- OR -

Option 2: DVI is held over and shall report to the Committee in January 2021.


**02/20/2020: First consideration of this recommendation.**

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<sup>8</sup> JLOSC staff will contact DVI with a report template and guidelines no later than March 31, 2020.

# **PUBLIC COMMENT**

Lloyd Schmitz



February 11, 2020

RE: DVI

Dear JLOSC members,

It is my opinion that the Delaware Division for the Visually Impaired (DVI) is not providing adequate service to Delaware residents with visual impairments.

In August 2019, the DVI closed its Milford office and opened 3 new offices...

Of great concern is the location of the offices that serve Delawareans who are blind and visually impaired that are not located along or near an existing fixed route bus stop or route, thus putting residents in immediate and great danger of being struck by a motor vehicle. The Sussex office is located on the grounds of the Stokely center, miles from sidewalks, shoulders, or bus stops! The Kent county office is located at the Smyrna Home & Hospital (DHC I). This forces residents to cross route 13... either coming or going for services designed for people with reduced or no vision. There are no sidewalks or shoulders leading into the hospital grounds from the highway. These offices were opened without input from the visually impaired community or councils that advise the agency about the welfare of the blind. No one outside the agency was advised that an office was to be closed and new offices were opening, and obviously, no consideration was given to the safety of consumers that the agency serves!

The residents that reside in Kent county must travel to either the New Castle or Sussex county offices to see or train on technology. No video magnifiers, computers, braille notetakers, or any other assistive devices are located in Kent county. All of the trainer/educators are located in the New Castle office, and thus must travel to Kent and Sussex counties to provide training, assessments, or demonstrations of these devices... Think about the length of time that it will take for residents to learn to operate these assistive devices. imagine how much time the trainer/educators will be spent on the road going up and down the state and not benefiting individuals with visual impairments in the 2 lower counties.

I believe that consideration to provide supervision and control of K-12 education to blind and visually impaired students should be relocated under either the Kids department or the Delaware Department of Education. This will assure that necessary requirements of IDEA and other federal education and Vocational Rehabilitation regulations will be met. This will improve educational outcomes and employment opportunities to those that are served by this program. This will also align with the Employment First Oversight Commission goals that encourage employment as an expectation for students with disabilities!

It is my opinion that Vocational Rehabilitation services for students and adults with visual impairments and blindness should be placed as a separate section within the Vocational Rehabilitation unit of the Delaware Department of Labor. This should assure that ALL Delawareans with disabilities receive quality rehabilitation services that meet WIOA regulations and align with the Employment First goals.

As it relates to the Business Enterprise Program (BEP), I do not support any legislative changes in the Delaware code that expands priorities to other facilities. I do not believe that the program has the skill sets necessary, at this time to undertake any expansions. Fiscal and audit procedures must be developed immediately along with rules, regulations, and policies to insure program integrity and viability. Furthermore, I do not think that it was or is the intent of this program to allow licensed blind vendors to sit at home and have sub-contractors fill their vending machines and meet the daily needs of kiosk, and cafeteria locations within this program.

At your service,  
Lloyd Schmitz

Sonya Lawrence

[REDACTED]  
[REDACTED]

February 12, 2020

Joint Legislative Oversight and Sunset Committee  
411 Legislative Avenue  
Dover, DE 19901

**RE: Delaware Division of the Visually Impaired**

Dear Members of the Joint Legislative Oversight and Sunset Committee:

One year ago, my son and I provided yet another impassioned plea to Delaware's Joint Finance Committee to identify and direct funds toward appropriately educating students with visual impairments in Delaware. *See*

<https://www.delawarepublic.org/post/parents-visually-impaired-kids-voice-frustration-over-recommended-fy-2020-budget> This was not the first time that members of Delaware's legislature heard from advocates about the educational deficiencies associated with service delivered by DVI to students with visual impairments. *See also* <https://www.delawareonline.com/story/news/health/2016/02/23/state-grapples-visually-impaired-teaching-shortage/80812732/>

For more than a decade, a core group of advocates worked tirelessly to raise awareness and to spark action to prevent the ongoing inequities students with visual impairments face because they reside in our state. Countless hours have been spent drafting legislation, serving on task forces, writing letters, giving interviews to the media, and now demonstrating the need for oversight and action through the Joint Legislative Sunset Committee ("JLOSC"). Will the JLOSC take bold steps down the path that has been identified by Delaware's advocates for more than a decade? Our students cannot wait.

I started sounding the alarm about the blatant deficiencies associated with educating students with blindness in Delaware when my son was three years old. He is now thirteen, and because of the inertia and hesitation demonstrated by a multitude of parties with the power to effect change, this student is now traveling more than 100 miles per day to a school out of state to obtain the free appropriate education to which he is entitled.

In 2017, I wrote to Governor Carney, seeking assurances and action related to the education of students with visual impairments. At that time, I asked for three things:

1. **Legislative establishment of a student to teacher for the visually impaired ratio that will enable teachers to provide quality instruction to students;**
2. **Increase the number of classroom instructional days for students who are blind and visually impaired to ensure that instructional opportunities are available under 12-month entitlement programs; and**
3. **Establishment of a cabinet-level infrastructure and oversight mechanisms that would ensure that educational services delivered to students who are visually impaired or blind meet quality education standards and are supported by evidence-based practices.**

Three years later, I ask the JLOSC for the same three things.

In the past decade, DVI has clearly demonstrated that it has neither the funding nor the infrastructure to deliver quality educational services to students with visual impairments in accordance with federal law. Moreover, while the agency touts its so-called customer satisfaction survey results, it has not and cannot produce to the JLOSC or any other oversight body data suggesting that the services they provide ensure that its students are literate, academically performing on grade-level, and demonstratively ready to function independently in an age-appropriate manner. No such data has been produced and no such data is available. Indeed, DVI has been less than forthright with respect to sharing information about its established deficiencies as they relate to education and other related services.

The state of Delaware receives federal funding to educate its students with visual impairments and blindness, but it does not oversee or demand results from the agencies it entrusts to educate these citizens. The JLOSC has an opportunity to do what is necessary under the law to ensure that these students with visual impairments receive a free appropriate education. The state should not wait for a consent decree handed down from the federal government to take steps to remedy years of past wrongs.

The issues I raise are about children and families who rely upon the state to help them forge meaningful futures. I urge you to take the appropriate action today to protect the future of this state's students with visual impairments.

## **Sonya Fair Lawrence**

Sonya Fair Lawrence

Parent of Xavier Lawrence, a Delawarean with a visual impairment

Attachment A – Letter to John Carney, January 16, 2017

## **ATTACHMENT A**

January 16, 2017

John Carney  
Office of the Governor  
150 Martin Luther King Jr. Blvd., 2<sup>nd</sup> Floor  
Dover, DE 19901

Dear Governor Carney:

As your gubernatorial tenure begins, we acknowledge your plan to create an education system in which every student has the opportunity to succeed. Your education plan states that the educational challenges facing our state will “require focus, consistency, and targeted changes in areas where improvement is needed the most.” We agree. As you embark upon your first 100 days in office, we ask that you add the education of students who are blind or visually impaired to the list of most needed improvements upon which you will begin your initial work.

You state in your published Education Plan that, “teachers are the most important component to student learning”; therefore, “we need to maximize their time working directly with students.” We are told that approximately 240 students who are blind or visually impaired receive direct instruction or consultative services from teachers of the visually impaired employed by the Delaware Division for the Visually Impaired. Unfortunately for the students who are blind and visually impaired, actual time working 1:1 with a qualified teacher for the visually impaired is either significantly limited or nonexistent. The current educational model available to students who are blind or visually impaired simply cannot support their educational needs.

In addition to their individualized educational needs, each blind or visually impaired student requires instruction in the expanded core curriculum, which includes Braille or adapted literacy instruction; orientation and mobility; independent living skills; career education; use of assistive technology, and other important skills. Delaware’s limited qualified teacher pool and other specific challenges make it virtually impossible to provide to our students the level of instruction necessary to ensure that they graduate high school and are career and college ready.

Our community of advocates, guided by then Senator Bethany Hall-Long, completed important work under the legislative mandates set forth in Senate Concurrent Resolution No.2. (2015). The work of the legislative task force created by SCR 2 resulted in targeted recommendations designed to improve the education of Delaware’s students who are blind and visually impaired. That important work led to the development of a

## Strategic Plan to Improve Educational Services for Students who are Blind and Visually Impaired.

The Strategic Plan contains detailed recommendations that require immediate implementation:

**4. Establishment of a student to teacher for the visually impaired ratio that will enable teachers to provide quality instruction to students.**

Delaware Code Title 14, Section 206 currently mandates a ratio of 28 students to every one certified teacher for the visually impaired. At a time when technology serves as a pathway to success for students who are blind and visually impaired, Delaware cannot effectively meet the educational needs of these students by maintaining one of the highest student to teacher ratios in the nation. Delaware's Blind Education Task Force recommended a ratio of 14:1.

**5. Increase the number of classroom instructional days for students who are blind and visually impaired to ensure that instructional opportunities are available under 12-month entitlement programs.**

Title 14, Section 1703 currently identifies students diagnosed with severe mental disability, trainable mental disability, autism, traumatic brain injury, deaf blindness, or certain orthopedic disabilities. It is impossible to meet our students' complex learning needs (e.g. Braille literacy, Assistive Technology, Expanded Core Curriculum) within the normal nine-month school year.

**6. Establish a cabinet-level council to ensure that educational services delivered to students who are visually impaired or blind meet quality standards and are supported by evidence-based practices.**

Currently, the Department of Education and the Department of Health and Social Services bear responsibility for delivering and overseeing educational services provided to students who are blind or visually impaired. Will you formulate a Council, led by your appointed Cabinet Secretaries, to initiate, implement, and influence this important work.

We understand that you will spend your first 100 days in office on many important activities. We ask that you identify the long-standing educational challenges described

above as an extremely high priority for your administration. A group of dedicated advocates stands ready to align with you as you undertake this critical task.

Thank you in advance for your commitment to improving the education of Delaware's students who are blind and visually impaired.

Sincerely,

Sonya Fair Lawrence,  
Parent of a Visually Impaired 3<sup>rd</sup> grade student

[REDACTED]  
[REDACTED]

### Bill McCafferty's Comments and Concerns

1. Consider improving building accessibility, fixed bus route, sidewalks, transportation to facilities.
2. Consider moving DVI's VR into Department of Labor's general VR program.
3. Consider moving DVI's O&M department into Department of Labor's general VR program.
  - a. Offer night training and modern technology to clients.
4. Consider moving DVI's education department under Department of Education.
5. Consider moving Independent Living Services into Department of Labor's general VR program.
6. Consider moving Assistive Technology into Department of Labor's general VR program.

# APPENDICES

Sen. S. Elizabeth Lockman, Vice-Chair  
Sen. Anthony Delcollo  
Sen. Stephanie L. Hansen  
Sen. Ernesto Lopez  
Sen. John Walsh



Rep. David Bentz, Chair  
Rep. Andria L. Bennett  
Rep. Sherry Dorsey Walker  
Rep. Jeffrey N. Spiegelman  
Rep. Lyndon D. Yearick

## STATE OF DELAWARE

### JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

#### Meeting Minutes – January 28, 2020

1 Chair Bentz called the meeting to order at 12:05 p.m. Committee members present included  
2 Vice-Chair Lockman; Representatives Bennett, Dorsey Walker, Spiegelman, and Yearick;  
3 Senators Delcollo, Hansen, Lopez, and Walsh. Staff present included Mark Brainard, Jr. &  
4 Amanda McAtee, JLOSC Analysts; Holly Vaughn Wagner, Legislative Attorney for the JLOSC  
5 and Deputy Director of the Division of Research; Natalie White, Administrative Specialist; Jeff  
6 Chubbs, Legislative Fellow. A quorum was met.

7 Chair Bentz welcomed everyone to the meeting for the Joint Legislative Oversight and Sunset  
8 Committee (“JLOSC”) of the 150th General Assembly, Second Session and called for  
9 introductions.

10 Chair Bentz moved to item 2 on the agenda, the approval of the January 21, 2020 meeting minutes.  
11 Representative Spiegelman motioned to approve the January 21, 2020 minutes, with necessary  
12 changes, and Representative Dorsey Walker seconded the motion. The motion carried 9-0, with  
13 Representatives Bentz, Bennett, Dorsey Walker, Spiegelman, and Yearick, and Senators Lockman,  
14 Hansen, Lopez, and Walsh, voting in favor, no opposed, 1 member not present at the time of vote,  
15 Senator Delcollo.

16 Chair Bentz moved to item 3 on the agenda, Division of the Visually Impaired (“DVI”) and  
17 introduced Sandra Miller, acting Director of DVI. Ms. Miller provided an introduction and  
18 personal background, as well as agency updates and accomplishments that have occurred since the  
19 end of the first session of the 150th General Assembly.

20 Chair Bentz introduced JLOSC Analyst Amanda McAtee who provided an overview of the final  
21 report of the JLOSC Task Force on DVI. Ms. McAtee requested the Committee permit its staff to  
22 revise the Committee’s tabled recommendations from its May 9, 2019 meeting, based on all  
23 information collected during the review and task force processes and within the scope of the  
24 JLOSC review process. The revisions would be presented at the February 20, 2020 meeting for  
25 the Committee’s review and consideration.

26 After discussion, a motion was made by Senator Delcollo and seconded by Representative Dorsey  
27 Walker, for JLOSC staff to revise the Committee’s tabled recommendations and present revisions  
28 at their February 20, 2020 meeting, with the original recommendations as reference. The motion  
29 carried 10-0, with Representatives Bentz, Bennett, Dorsey Walker, Spiegelman, and Yearick, and  
30 Senators Lockman, Delcollo, Hansen, Lopez, and Walsh, voting in favor, no opposed.

Legislative Council/Division of Research ♦ Legislative Hall ♦ 411 Legislative Avenue ♦ Dover, Delaware 19901

Mark Brainard, Research Analyst: 302-744-4225 ♦ Fax: 302-739-7553 ♦ [Mark.Brainard@delaware.gov](mailto:Mark.Brainard@delaware.gov)

Amanda McAtee, Research Analyst: 302-744-4021 ♦ Fax: 302-739-7553 ♦ [Amanda.McAtee@delaware.gov](mailto:Amanda.McAtee@delaware.gov)

Website: [www.legis.delaware.gov](http://www.legis.delaware.gov)

31 Chair Bentz provided an opportunity for members of the public to comment.

32 Chair Bentz reminded the Committee the next holdover meeting for Delaware Advisory Council  
33 on Career and Technical Education (DACCTE) and the Council on Correction was scheduled for  
34 February 6, 2020 at 6:00 p.m.

35 The meeting concluded at 1:01 p.m.

36 Respectfully prepared by:

37 Amanda McAtee and Mark Brainard, JLOSC Analysts, Joint Legislative Oversight and Sunset  
38 Committee.

39 *Access to the audio recording of this proceeding is available upon request.*

# FACT SHEET

January 15, 2020 JLOSC Task Force on DVI



Joint Legislative Oversight  
& Sunset Committee

## The Task Force held 6 meetings and collected data on 28 tabled Recommendations.

- Developed and distributed worksheets to collect feedback.
- 72 responses received in total.
- Feedback most valuable when accompanied by comments explaining the respondent's pros or cons of a recommendation.
- 4 meetings held to discuss the meeting worksheets.
- Additional data collected from meeting conversations and through research conducted by the JLOSC Analyst.

## Additional Information about DVI

- 5 program units, serve low-incidence disabilities, would benefit from meaningful recommendations from the JLOSC review process.
- Delaware's DVI programs have been consulting with leading experts for several years.
- Customer Satisfaction Surveys began in September of 2018.
  - Overall customer satisfaction rate of 82.84%.
- New Office Locations: Expanded from 2 to 4 sites in 2019.
- Leadership Change 11/18/2019: Sandra Miller became the acting director for DVI, previously served as the agency's deputy director.

## Additional JLOSC Analyst Research

- Blindness and visual impairments are considered specialized low-incidence disabilities.
  - Require specialized resources.
  - Have higher associated costs.
    - Assistive technology devices range from \$1000 to \$6000 per device.
    - Average cost for converting a textbook into braille can cost over \$15,000.

## → Due to complexity, careful consideration of research and best practices is necessary in all decision-making processes regarding DVI.

- Delaware's DVI program is unique; no other state program for the blind and visually impaired operates in the exact same manner.

- Most states have active non-profit support for the blind and visually impaired community.
  - Many states rely on robust non-profit resources to meet needs for blind and visually impaired services.
- 38 states have a dedicated school for the blind and visually impaired.
- Most states' programs are arranged into their labor departments.
  - Provide only vocational rehabilitation services and independent living services for older adults.
  - Delaware DVI program has 5 service units:
    - Education
    - Vocational Rehabilitation
    - Independent Living Services
    - Orientation & Mobility
    - Assistive Technology



## DVI: Recommendations

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<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 1: Continue or Terminate</b></p> <p>Under §10213(a), Title 29, the Committee must determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select one of the following options.</p> <p><u>Option 1:</u> DVI shall continue, subject to any further recommendations that JLOSC adopts.</p> <p>- OR -</p> <p><u>Option 2:</u> DVI is terminated. The Committee will sponsor legislation to implement the termination.*</p>	<p><b>05/09/19: First consideration of this recommendation.</b> <b>05/09/19: JLOSC adopted Option 1.</b></p>

THIS SPACE INTENTIONALLY LEFT BLANK.

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\* Unless otherwise noted, all legislation resulting from an approved recommendation will be drafted by the Committee's legislative attorney.

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 2: General Statutory Updates &amp; Technical Corrections</b></p> <p>JLOSC will sponsor a bill to do the following:</p> <ul style="list-style-type: none"> <li>a. Make technical corrections to DVI’s entire governing statute, including Chapter 79, Title 29; Chapter 21, Title 31; and braille literacy rights and education in Chapter 2, Title 14.</li> <li>b. Add standardize member removal provision.</li> <li>c. Add language for resolving a tie when voting on the Council’s chair.</li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 3: Reduce Teacher Student Ratio</b></p> <p>Based on DVI’s request, the Committee will sponsor a bill to amend § 206, Title 14 to reduce teacher/student ratio and provide statutory updates to include digital formats, as follows:</p> <p>(e) To meet the instructional needs of students <del>who is blind</del> <u>with visual impairments including blindness</u>, the Division for the Visually Impaired shall employ <del>one (1)</del> <u>1</u> teacher of students with visual impairments for every <del>28</del> <u>14</u> students (or major fraction thereof) who are eligible to receive services from the Agency. All teachers of students with visual impairments including blindness shall provide instructions to satisfy individualized educational programs requiring 12-month entitlement and extended school year services. <del>At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.</del></p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 4: Publish By-Laws</b></p> <p>DVI shall post on its website all by-laws for advisory councils and committees that serve DVI, specifically for the Independent Living Advisory Committee (ILAC) and Committee of Blind Vendors.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 5: Council of the Blind By-law Requirement</b></p> <p>DVI shall direct the Council of the Blind to create and finalize Council by-laws.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 6: Remove Reference to the Delaware Industries for the Blind (DIB) from the Delaware Code and Administrative Code</b></p> <p>DVI reported that operations for the DIB closed in March 2017. Based on DVI's request:</p> <ul style="list-style-type: none"> <li>a. The Committee will sponsor a bill to remove all references to the DIB from the Delaware Code, including § 7929, Title 29 and § 9605, Title 16.</li> <li>b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.</li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 7: Business Enterprise Program (BEP) Regulations</b></p> <p>There currently are no regulations governing the BEP. DVI shall direct the BEP to promulgate regulations to implement and operate the program. The regulations shall include provisions related to all of the following:</p> <ul style="list-style-type: none"> <li>a. Participant eligibility.</li> <li>b. Personnel management.</li> <li>c. Fiscal controls.</li> <li>d. Marketing plans.</li> <li>e. Enforcement of production quality standards as stated under § 7929, Title 29.</li> <li>f. Set-aside requirements and procedures for Blind Operators.</li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 8: Removal Process for Members of the BEP, Blind Vendors Committee Board</b></p> <p>DVI shall direct the Business Enterprise Program, Blind Vendors Committee to adopt member removal and conflict of interest provisions in the committee's by-laws.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 9: BEP, Blind Vendors Committee Training Opportunities</b></p> <p>DVI shall offer training opportunities to and encourage the participation of the BEP, Blind Vendors Committee members in order to support and expand the program.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 10: Implementation of BEP Audit Recommendations</b></p> <p>DVI shall implement all recommendations that were included in the BEP audit that was completed by Cover and Rossiter. DVI shall provide JLOSC with implementation status updates [by specific date or on specified periodic basis].</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 11: BEP Set-Aside Requirements</b></p> <p>DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 12: BEP Public Outreach</b></p> <p>DVI shall:</p> <ul style="list-style-type: none"> <li>a. Develop a BEP application.</li> <li>b. Update the BEP section of its website to include: <ul style="list-style-type: none"> <li>(1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.</li> <li>(2) Links for regulations, rules, policies, or by-laws affecting BEP.</li> <li>(3) Access to the BEP application.</li> </ul> </li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 13: Remove BEP from State Payroll and Pension Systems</b></p> <p><u>Option 1:</u> Remove the Blind Vendors of the BEP from the State's payroll and pension system.</p> <p style="text-align: center;">- OR -</p> <p><u>Option 2:</u> DVI shall submit a detailed proposal to the JLOSC regarding the functionality of the BEP's business and accounting operations without the support of the State's payroll and pension system, including consideration of the impact to current and past BEP participants.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 14: Strengthen State's Licensing Authority Under the Randolph-Sheppard Act</b></p> <p>DVI shall submit a detailed proposal to the JLOSC regarding legislation and measures to be taken to strengthen the State's licensing authority under the Randolph-Sheppard Act and to expand vending opportunities in institutions of higher learning, Department of Corrections, and interstate rest areas.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 15: Strengthen Business Programs</b></p> <p>The unemployment rate of those who are visually impaired is approximately 70%. DVI shall strengthen business programs and implement technology advances to provide training and employment for Delaware residents who are visually impaired.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 16: Fill Agency Vacancies</b></p> <p>There are currently 12 vacancies in DVI: 9 in the Education Unit, 2 in the Orientation and Mobility Unit, and 1 in the vocational rehabilitation unit. DVI shall work to fill these vacancies.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 17: Increase Staff Certifications</b></p> <p>DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation &amp; Education Professionals (“ACVREP”) certifications. There is no known DVI employee that holds a certification from Rehabilitation Engineering and Assistive Technology Society of North America (“RESNA”) or a National Certification in Unified English Braille (“NCUEB”) by the National Blindness Professional Certification Board (“NBPCB”).</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 18: Increase Braille Resources</b></p> <p>DVI shall increase braille resources for its consumers. The Hadley School for the Blind offers braille instruction courses by mail to sighted and visually impaired students. They offer braille courses tuition-free for visually impaired students. The National Federation of the Blind has free resources for braille certification.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation &amp; Status</u>	<u>Status</u>
<p><b>Recommendation 19: Funding and Grants for Assistive Technology</b></p> <p>DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 20: DVI Staff Training on Assistive Technology</b></p> <p>DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 21: Equip Rapid Ready Rooms</b></p> <p>DVI shall equip rapid ready rooms with meaningful resources and explore technology advances. DVI shall search for and apply for any available training grants available from Apple or Microsoft.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 22: Encourage Teachers for the Visually Impaired (TVI) Education</b></p> <p>DVI shall work to expand public outreach and education programs for TVIs and include information on its website about the need for certified TVI instructors.</p> <p>Note: Delaware does not have a college certification program for TVIs, and there is a national and state shortage of TVI certified professionals. Kutztown University in Pennsylvania is the closest known program and offers it online.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 23: Recruitment</b></p> <p>DVI shall:</p> <ul style="list-style-type: none"> <li>a. Partner with high schools and colleges and participate in recruitment events to highlight careers available with DVI and the need for certified professionals in the field of special education.</li> <li>b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.</li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 24: Orientation and Mobility (O&amp;M)</b></p> <p>DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 25: Communication with DOE</b></p> <p>DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:</p> <ul style="list-style-type: none"> <li>a. Develop and implement communication and procedure guidelines regarding DVI services for students in local school districts.</li> <li>b. Review its current MOU with the DOE and work to bring meaningful modifications to the agreement.</li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 26: Implementing Education Service Model</b></p> <p>Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.</p> <p>The following is a suggested model:</p> <ul style="list-style-type: none"> <li>Level 1 (up to 8 consults/year) @ \$1,900 per student</li> <li>Level 2 (1 meeting/week) @ \$4,500 per student</li> <li>Level 3 (2-3 meetings/week) @ \$12,600 per student</li> <li>Level 4 (4 meetings/week) @ \$14,300 per student</li> </ul>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

## DVI: Recommendations

<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 27: Braille Instruction for All Students</b></p> <p>DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.</p> <p><u>Option</u>: Codify this recommendation in DVI’s governing statute.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 28: DVI Resources for Individualized Education Program (IEP) Development</b></p> <p>DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.</p> <p><u>Option</u>: Codify this recommendation in DVI’s governing statute.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p><b>Recommendation 29: Reporting Requirement Regarding Task Force</b></p> <p>DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force.<sup>†</sup> DVI shall implement the task force recommendations.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC tabled this recommendation.</b></p>

<sup>†</sup> Final Report to the 148th General Assembly, June 2015.

## DVI: Recommendations

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<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 30: Release from Review or Hold Over</b></p> <p><u>Option 1</u>: DVI is released from review upon enactment of recommended legislation.</p> <p style="text-align: center;">- OR -</p> <p><u>Option 2</u>: DVI is held over and shall report to the Committee in January 2020.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC adopted this Option 2.</b></p>
<u>Recommendation</u>	<u>Status</u>
<p style="text-align: center;"><b>Recommendation 31: Establishing a Task Force</b></p> <p>The JLOSC will sponsor a bill establishing a task force addressing the implementation of recommendations 2-29 and any other recommendation deemed appropriate. The task force will issue a report to the JLOSC in January 2020.</p>	<p><b>05/09/19: First consideration of this recommendation.</b>  <b>05/09/19: JLOSC adopted this recommendation.</b>  <b>06/18/19: Senate Resolution 8 passed by Senate.</b></p>

Industry or Trade Publications		
Group or Association Name/Contact Person	Address	Phone Number Fax Number Internet Address
Delaware State Chamber of Commerce	PO Box 671 Wilmington, DE 19899	Phone: (302) 655-7221 <a href="mailto:info@dsc.com">info@dsc.com</a>
Central Delaware Chamber of Commerce	435 N. DuPont Highway Dover, De 19901	Phone: (302) 734-7513 Fax: 302) 678-0189 <a href="mailto:info@cdcc.net">info@cdcc.net</a>
Journal of Blindness and Visual Impairment	AFB Press Customer Service 1000 Fifth Avenue, Suite 350 Huntington, WV 25701	304-710-3027
American Foundation for the Blind	1401 South Clark Street Suite 730 Arlington, VA 22202	Afb.org
New Castle County Chamber of Commerce	920 Justison Street Wilmington, DE 19801	Phone: (302) 737-4343 Fax: (302) 322-3593 <a href="mailto:chadwickb@ncccc.com">chadwickb@ncccc.com</a>
NAMA Magazine	20 N. Wacker Drive, Suite 3500 Chicago, IL 60606	Phone: (312) 346-0370 Fax: (312) 704-4140
Nutritional Magazine	131 West First Street Duluth, MN 55802	Phone: (866) 529-2922 Fax: (218) 740-7223

## COMPOSITION AND STAFFING

### Boards, Committees, or Councils related to DVI:

- Council on the Blind.
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council).
- Independent Living Advisory Council.<sup>8</sup>
- Statewide Independent Living Council.<sup>9</sup>
- Business Enterprise Program/Blind Vendors Committee.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.<sup>10</sup>

### Number of Members:

- Council on the Blind, 7 members.
- Vocational Rehabilitation Advisory Council, 8 voting members and 1 non-voting member. There are 6 vacant positions.
- Independent Living Advisory Committee, 11 members.
- Business Enterprise Program/Blind Vendors Committee, 3 members and 2 alternate members.

<sup>8</sup> Public meeting calendar states that the DVI Director appoints members to this council. By-laws provided in Appendix B.

<sup>9</sup> Additional information on this council, including how it was created or where it is housed, was not provided. The Council's website is <https://dvr.delawareworks.com/silc.php>.

<sup>10</sup> See 16 Del. Code § 9603.

- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities, 7 voting members and 2 non-voting members.

### **Current Vacancies:**

The Vocational Rehabilitation Advisory Council consists of 15 members, but has 6 vacancies. The Governor's Office has been working to fill these vacancies for some time. The following is a list of the type of member and the date the vacancy started.

Blind Disability Advocate	12/8/2017
Business	3/15/2018
Business	5/21/2018
Business	1/31/2013
Parent	8/23/2018
Parent Information Center Rep	12/8/2017

### **Length of Terms and Qualifications:**

- Council on the Blind:<sup>11</sup>
  - Under its statute, the Council on the Blind consists of 7 members who are appointed for 3-year terms. Members may serve multiple terms.
  - 3 to 4 members may be affiliated with one of the major political parties, and 2 to 3 of the newly-appointed members may be affiliated with the other major political party. There may be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce their political affiliation is eligible for appointment as a member of the Council.
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council)<sup>12</sup>
  - Members typically serve 3-year terms and are limited to serving 2 consecutive terms with the following exceptions:
    - A member appointed to fill a vacancy appointed for the remainder of the vacancy's term.
    - The terms of service of the member initially appointed is for such fewer number of years as will provide for the expiration of terms on a staggered basis.
  - The Vocational Rehabilitation Advisory Council consists of the following:
    - At least 1 representative of the Statewide Independent Living Council.
    - At least 1 representative of a parent training and information center established under the Individuals with Disabilities Education Act.
    - At least 1 representative of the client assistance program.
    - At least 1 qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who serves as an ex officio, nonvoting member if the counselor is an employee of the designated State agency.
    - At least 1 representative of community rehabilitation program service providers.
    - 4 representatives of business, industry, and labor.
    - Representatives of disability advocacy groups representing a cross section of:

<sup>11</sup> See 29 Del. Code § 7913.

<sup>12</sup> This council appears to be mandated by federal law. More information on this council can be found at <https://dvr.delawareworks.com/src-members.php> and <https://dvr.delawareworks.com/state-rehab-council.php>.

- Individuals with physical, cognitive, sensory, and mental disabilities.
    - Individuals’ representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves.
  - Current or former applicants for, or recipients of, vocational rehabilitation services.
  - In a State in which one or more projects are funded under section 741 of this title, at least 1 representative of the directors of the projects located in the State.
  - At least 1 representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services Individuals with Disabilities Education.
  - At least 1 representative of the State workforce development board.
  - The Director of the designated State unit is an ex officio, nonvoting member.
- The Independent Living Advisory Council has no term limits or restrictions. Members must include blind or visually impaired individuals, and may include parents and guardians of blind and visually impaired individuals, non-governmental agencies, or other groups of individuals who are concerned with services to the blind and visually impaired community. The majority of members must be blind and visually impaired individuals or parents or guardians of blind and visually impaired individuals.
  - Business Enterprise Program/Blind Vendors Committee
    - Under the Committee’s by-laws, a member’s term of office is two years or until a successor is elected. Any blind vendor that is operating a location on the date of the election is eligible to vote for 3 candidates for the committee. Each eligible voter may be a candidate for the committee.<sup>13</sup>
  - Commission For Statewide Contracts to Support Employment For Individuals with Disabilities<sup>14</sup>
    - Commission members do not have set terms. The members have 7 voting members and 3 non-voting members, made up of the following:
      - Voting members:
        - The Director of Government Support Services.
        - The Director of the Division of Vocational Rehabilitation.
        - The Secretary of Finance.
        - 4 public Governor-appointees.
      - 1 must be an individual with a disability or a family member of an individual with a disability, who is 14 years old or younger. Except for this member, no public member may be affiliated

<sup>13</sup> By-laws in Appendix B.

<sup>14</sup> See 16 *Del. Code* § 9603. JLOSC recently reviewed this commission, as summarized in the JLOSC 2016 Final Report: The Commission for the Purchase of Products and Services of the Blind and Other Severely Handicapped Individuals (“Commission”) was originally scheduled to be reviewed in 2014, however, severe storms led to the delay of the Sunset proceedings. The review was postponed until 2015. The Committee found that the Commission’s governing statute was in need of a significant update and that a perceived conflict of interest needed to be addressed. The Commission presented draft legislation to the Committee in January 2016, and after minor changes, House Bill 393 was approved and filed.

[HB 393, enacted in July 2016](#), modernized the commission’s name and made several other, significant updates to Delaware’s State Use Law, including renaming the law “Statewide Contracts to Support Employment for Individuals with Disabilities.”

with an entity or organization that has or is seeking to obtain a set-aside contract under this chapter.

- Non-voting members:
  - 1 representative of a CRP that employs individuals with disabilities.
  - The Director of the Ability Network of Delaware.
  - The Director of the Division for the Visually Impaired.

**Member Removal Processes:**

- Council on the Blind - Has no removal process, either by statute or by-law.<sup>15</sup>
- Vocational Rehabilitation Advisory Council
  - A member who misses 3 or more meetings in the preceding 12 months without reasonable cause is considered to have failed to fulfill their commitment to the Council and expected to return to active participation or tender resignation. A member representing an agency who terminates employment with that agency is no longer on the Council, and the Council must notify the Governor and recommend a new representative.
- Independent Living Advisory Committee
  - If a member has more than 2 unexcused absences, the Social Services Administrator will discuss their desire to continue on the committee. Leaves of absence are granted on a case-by-case basis.
- Business Enterprise Program/Blind Vendors Committee
  - This Committee has no removal process, by either statute or by-law.<sup>16</sup>
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities<sup>17</sup>
  - The office of a member who fails to attend 3 successive meetings without good cause or excuse or without leave of absence from the Chair is declared vacant by the Commission, and the Chair must notify the Governor of a vacancy on the Commission and request that the Governor shall fill the same.

**Compensation:**

- Council on the Blind
  - Members of the Council serve without compensation, but may be reimbursed for reasonable and necessary expenses incident to their duties as members.
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council)
  - The Council may use funds allocated to the Council by the designated State unit under this subchapter (except for funds appropriated to carry out the client assistance program

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<sup>15</sup> By-laws were not provided.

<sup>16</sup> By-laws in Appendix B. Statutory definition of Blind Vendors Committee could not be located. The Blind Enterprise Program was created under 29 *Del. Code* § 7929(b).

<sup>17</sup> See § 9101-2.7, Title 16 of the Delaware Administrative Code.

under section 732 of this title and funds reserved pursuant to section 730(c) of this title to carry out part C of this subchapter) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.<sup>18</sup>

- Independent Living Advisory Council
  - Members are not compensated.
- Business Enterprise Program/Blind Vendors Committee
  - Expenses incurred or authorized by the committee in the carrying out of its purposes and its statutory duties and responsibilities are paid for as management services from set-a-side and matching federal funds, or from general revenue, or grants and donations in part or in whole.
  - Committee members and members of standing and other committees are entitled to per diem and travel expenses (as state law provides for state employees) while engaged in official activities of the committee unless otherwise agreed to by the committee and DVI.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities<sup>19</sup>
  - Members of the Commission shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Commission, and for travel expenses when away from their homes or regular places of business.

### **Member Trainings:**

No specialized training is offered through the state, but DVI offers access to professional development. And, no training is required for the following:

- Council on the Blind.
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council).
- Independent Living Advisory Council.
- Business Enterprise Program/Blind Vendors Committee.

New members of the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities complete an orientation session and all members participate in training sessions.

### **Avoiding Conflicts of Interest:**

- Council on the Blind – Because this is an advisory council, conflict of interest is limited.<sup>20</sup>

<sup>18</sup> Analyst's Note: Citation to this language was not provided.

<sup>19</sup> See 16 *Del. Code* § 9603(g).

<sup>20</sup> Analyst's Note: It appears there is no process for guiding conflicts.

- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council)
  - Personal conflict of interest: While assisting the Council in carrying out its duties, staff and other personnel are not assigned duties by the Designated State Unit or any other agency or office of the State that would create a conflict of interest.
  - No member may vote on any matter that would provide direct financial benefit to the member or to a person or an organization with which the member is affiliated, or otherwise give the appearance of a conflict of interest. Each member is expected annually to sign and acknowledge that she or he has received notice of this requirement and agrees to abide by it.
- Independent Living Advisory Council - Because this is an advisory council, conflict of interest is limited.<sup>21</sup>
- Business Enterprise Program/Blind Vendors Committee
  - Blind Operators' bylaws do not include any reference to conflict of interest. As a matter of practice, members recuse themselves from votes that involve a conflict of interest.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities
  - A Commission or subcommittee member with an interest in a matter presented to or considered by the commission or a subcommittee for recommendation, authorization, approval, or ratification must disclose their interest prior to its acting on the matter. A majority vote then determines whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist.<sup>22</sup>
  - If the Commission or subcommittee determines that a conflict exists, the conflicted member shall not vote on, use personal influence on, or participate (other than to present information or respond to questions) in the discussions or deliberations with respect to the matter. The member may not be counted in determining the existence of a quorum for the portion of the meeting where the matter that includes the conflict is under discussion or is voted upon. The minutes of the meeting shall reflect the disclosure made, the vote thereon, and where applicable, the abstention from voting and participation, and whether a quorum was present.<sup>23</sup>

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<sup>21</sup> Analyst's Note: It appears there is no process for guiding conflicts.

<sup>22</sup> See § 9101-3.1, Title 16 of the Delaware Administrative Code.

<sup>23</sup> See *id* at § 9101-3.2.

**Current Membership:****Council on the Blind**

<b>Individual</b>	<b>Appt. Date</b>	<b>Expiration Date</b>	<b>Position Held</b>	<b>Occupation</b>	<b>Professional/ Public Member</b>
Lloyd Schmitz	9/6/2006	4/27/2019	Chair	Retired BEP Operator	Public
Jillian Queen	12/3/2015	9/7/2020	Secretary	Educator	Public
Ken Rolph	9/3/2013	4/29/2019	Member	Consumer	Public
Patricia Addison	11/4/2016	11/4/2019	Member	Consumer	Public
Pat Carzo	9/7/2017	9/7/2020	Member	Board Member-Blindsight Delaware	Public
Kathryn Bottner	9/7/2017	9/7/2020	Member	Consumer	Public
Deidre Morris	12/3/2015	12/3/2018	Member	Administrative Specialist	Public

**Vocational Rehabilitation Advisory Council**

<b>Individual</b>	<b>Appt. Date</b>	<b>Expiration Date</b>	<b>Position Held</b>	<b>Occupation</b>	<b>Professional/ Public Member</b>
Pat Burrell	4/11/2018	4/11/2021	Member	VR Counselor	Professional
Alice Coleman	8/28/2018	8/28/2021	Member	Retired Social Worker	Public
Darryl Garner	12/2/2013	1/2/2021	Member	Not employed/Volunteer	Public
Suzanne Howell	12/2/2013	1/2/2021	Chair	Retired	Public
Dale Matusевич	4/18/2018	4/18/2021	Member	Education Associate, DE Dept. of Education	Professional
William McCafferty	3/28/2018	3/28/2021	Member	Not employed	Public
Thang Pham	8/28/2018	8/21/2021	Member	Tech employee	Public
Jacqueline Poquette	1/2/2018	8/28/2021	Member	HR Professional	Public
Blake Roberts	10/26/2007	1/2/2021	Member	CAP representative	Public

**Independent Living Advisory Committee**

<b>Individual</b>	<b>Appt. Date</b>	<b>Expiration Date</b>	<b>Position Held</b>	<b>Occupation</b>	<b>Professional/ Public Member</b>
Wayne Marsh	6/8/2016	N/A	Chairperson- expires 12/8/2019	BEP Operator	Public
Patricia Addison	12/2010	N/A	Vice Chairperson- expires 12/8/2019	Peer Support Manager	Public
William Bartlett	3/2011	N/A	Member	Retired	Public
Kathryn Bottner	12/13/2016	N/A	Member	Consumer	Public
August Hazeur	6/2000	N/A	Member	Retired	Public
Carol King-Reis	10/4/2017	N/A	Member	Consumer	Public
Blake Roberts	2/18/2017	N/A	Member	Client Assistance Program	Public
Lynn Schneider	3/23/2017	N/A	Member	Consumer	Public
Ken Rolph	9/3/2013	N/A	Member	Center for Independent Living	Public
Suzanne Howell	06/15/2017	N/A	Member	Consumer	Public
Carol Miller	10/04/2017	N/A	Member	Consumer	Public
Wayne Marsh	6/8/2016	N/A	Chairperson- expires 12/8/2019	BEP Operator	Public
Patricia Addison	12/2010	N/A	Vice Chairperson- expires 12/8/2019	Peer Support Manager	Public
William Bartlett	3/2011	N/A	Member	Retired	Public
Kathryn Bottner	12/13/2016	N/A	Member	Consumer	Public
August Hazeur	6/2000	N/A	Member	Retired	Public
Carol King-Reis	10/4/2017	N/A	Member	Consumer	Public
Blake Roberts	2/18/2017	N/A	Member	Client Assistance Program	Public
Lynn Schneider	3/23/2017	N/A	Member	Consumer	Public

**Independent Living Advisory Committee (continued)**

<b>Individual</b>	<b>Appt. Date</b>	<b>Expiration Date</b>	<b>Position Held</b>	<b>Occupation</b>	<b>Professional/ Public Member</b>
Ken Rolph	9/3/2013	N/A	Member	Center for Independent Living	Public
Suzanne Howell	06/15/2017	N/A	Member	Consumer	Public
Carol Miller	10/04/2017	N/A	Member	Consumer	Public

**Business Enterprise Program/Blind Vendors Committee**

<b>Individual</b>	<b>Appt. Date</b>	<b>Exp. Date</b>	<b>Position Held</b>	<b>Occupation</b>	<b>Professional/ Public Member</b>
Wayne Marsh	7/1/2017	6/20/2019	Chairperson	Blind Operator	N/A
Gary Pizzolo	7/1/2017	6/29/2019	Co-Chairperson	Blind Operator	N/A
Anthony K. Paolini	7/1/2017	6/29/2019	Member-	Blind Operator	N/A

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**Commission for Statewide Contracts to Support Employment for Individuals with Disabilities**

<b>Individual</b>	<b>Appt. Date</b>	<b>Expiration Date</b>	<b>Position Held</b>	<b>Occupation</b>	<b>Professional/Public Member</b>
Doyle Dobbins	6/6/2014	7/28/2016	Acting Chair	Retired	
Cindy Farmer	8/13/2018				
Carvella Jackson	6/27/2017				
Dean Stotler	n/a		State of Delaware-Government Support Services	Director	Professional
Cynthia Fairwell	n/a		Division of Vocational Rehabilitation	Administrator	Professional
Jamie Johnstone	n/a		State of Delaware Department of Finance	Deputy Principal Assistant	Professional
Elisha Jenkins	n/a		Division for the Visually Impaired	Director	Professional
Thomas Cook			Ability Network Of Delaware	A.N.D.	Professional
Julie Donoghue			Department of Justice-DAG	Counsel	Professional

**DVI Staff:**

DVI's list of authorized positions includes 69 budgeted positions. DVI also has 14 budgeted positions for the BEP Program, 5 appointed positions, and 3 casual/seasonal positions. DVI had 1 contractual worker in fiscal year 2018 and 1 temporary worker during fiscal year 2016.

Like other agencies and programs across the nation, DVI experiences personnel shortages for vision rehabilitation fields, including Teachers for the Visually Impaired ("TVI") and Orientation and Mobility ("O&M") Specialists. Personnel shortage is due to the specialized nature of this field and the low incidence of the population. DVI collaborates with university preparation programs, contracts with staffing agencies, and offers incentives such as tuition assistance including, most recently, student loan assistance offered by the State of Delaware.

DVI recruits and hires staff using the State of Delaware's Employment Link. DVI also works with professional organizations for recruitment opportunities at conferences and members' lists. All new employees receive orientation materials. DVI uses the Delaware Learning Center to track training opportunities.