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JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE

## Joint Legislative Oversight and Sunset Committee Holdover Meeting

Virtual Meeting via Zoom  
Public Access via [YouTube](#)

Tuesday, February 9, 2021  
3:00 p.m.

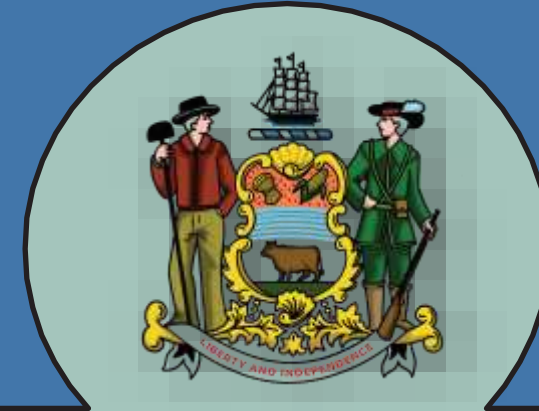
### Agenda

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

The public may submit written comments to [Sunset@Delaware.gov](mailto:Sunset@Delaware.gov).

Public access via YouTube:  
<https://www.youtube.com/channel/UCmePiLcN2Ee8cWOEBuUxG1g>

Legislative Council/Division of Research • Legislative Hall • 411 Legislative Avenue • Dover, Delaware 19901  
Joint Legislative Oversight and Sunset Committee Analysts: Mark Brainard Jr. & Amanda McAtee  
Phone: 302-744-4114 • Email: [Sunset@Delaware.gov](mailto:Sunset@Delaware.gov) • Website: [www.legis.delaware.gov](http://www.legis.delaware.gov)



## Joint Legislative Oversight & Sunset Committee

# Holdover Meeting February 9, 2021

Division for the Visually Impaired

2021 Holdover Meeting



Virtual Zoom Meeting  
Tuesday, February 9, 2021  
3:00 p.m.

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## DVI HOLDOVER CONTENTS

OVERVIEW

JULY UPDATE

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ANALYST  
RECOMMENDATION

# OVERVIEW

Services for visually impaired Delawareans originated in 1906, through the Delaware Commission for the Blind ("Commission"). In 1909, the General Assembly codified the Commission, making it Delaware's first state agency, to provide gainful employment for those without sight. The Commission relocated to the Department of Health and Social Services ("DHSS") in 1970 and hired an itinerant education teacher to provide services to blind students in public schools. This itinerant model is still in use today.

The Commission officially became known as the Division for the Visually Impaired ("DVI") in 1978. The name and structure change reflected the growing needs for specifically trained and educated instructors, counselors, and staff in visual impairments and blind services, and to provide specific individual services to the visually impaired and blind residents of Delaware. DVI currently works in partnership with the consumer and community to improve the safety, education, and employment of blind and visually impaired Delawareans. DVI provides a continuum of services to over 3,300 residents with visual impairments. Services include itinerant education services, vocational rehabilitation, independent living, orientation and mobility, assistive technology, and serves as the state licensing authority under the Randolph-Sheppard Act.

The Joint Legislative Oversight and Sunset Committee ("JLOSC" or "Committee") selected DVI for sunset and oversight review on June 12, 2018. After the completion of a draft report in March of 2019, the Committee held a presentation meeting on April 2, 2019, and received a presentation from the agency as well as comments from the public. On May 9, 2019 the Committee considered 31 recommendations for DVI, tabled 28, and adopted 3, which included forming a task force to review the tabled recommendations.

The task force commenced meetings on August 14, 2019 and held a total of 6 that engaged with the public and various stakeholders. Committee staff completed additional research and gained additional perspectives on the previously drafted recommendations for the sunset and oversight review of DVI. An overview of this information was presented to the Committee at the first DVI holdover meeting held 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. JLOSC reviewed and adopted revised recommendations for DVI at their February 20, 2020 meeting which addressed the matters identified in both the *2019 JLOSC Final Report* and the *2020 Final Report of the JLOSC Task Force on DVI*.<sup>2</sup> Adopted recommendations highlighted the following key areas in need of strength and support:

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

<sup>1</sup> Appendix A: Fact Sheet for JLOSC Task Force on DVI.

<sup>2</sup> Both reports are accessible on the JLOSC website: [https://legis.delaware.gov/Committee/Sunset/2019\\_JLOSCReviews](https://legis.delaware.gov/Committee/Sunset/2019_JLOSCReviews)

- JLOSC selected DVI for review on June 12, 2018.
- March 2019 draft report completed.
- Presentation meeting held on April 2, 2019.
  - Public comment taken.
- May 9, 2019 Recommendations Meeting.
  - Tabled 28, adopted 3, included forming a task force to review tabled recommendations.
- Task force meetings held Aug 14, 2019 – Dec 20, 2019.
  - Public comment taken.
- Holdover meetings held on Jan 28<sup>th</sup> and Feb 20, 2020.
  - JLOSC adopted recommendations on Feb 20<sup>th</sup> that highlighted the following key areas in need of strength and support:
    - Statute
    - Staffing
    - Policy
    - Funding
    - Communication
    - Education Services

# LEGISLATION

The following recommendations were adopted and require legislation. JLOSC and DVI staff will collaborate during the drafting process.

**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>14</sup>

**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.

**UPDATE:** The DVI updates regarding the status of federal RSA monitoring in relation to the Vocational Rehabilitation Advisory Council/State Rehabilitation Council ("VRAC/SRC") presents an additional area of concern that may require statutory assistance. The VRAC/SRC is not currently codified and is a federal requirement. JLOSC staff will be working with the Governor's Office of Boards and Commissions and DVI on potential legislation for JLOSC consideration.

- JLOSC staff will continue working with DVI in drafting process.
  - Pandemic put process on hold, now resuming work.
- Review process provides outline of work to be completed.
- Drafting process can continue without further progress monitoring.

# RECOMMENDATIONS

The following is an easy reference list of all recommendations adopted by the Committee for DVI.

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

Under §10213(a), Title 29, the Committee determined there is a genuine public need for an agency under review. DVI shall continue, subject to any further recommendations that JLOSC adopts.

## **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>15</sup>

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

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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.

## **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.

## **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.

<sup>15</sup> The Committee's legislative attorney will draft any legislation resulting from approved recommendations, unless otherwise noted.

Recommendations cover:

- Continue or terminate.
  - Legislation.
  - Program improvements.
  - Holdover or release from review.
    - Release can be contingent on items such as legislation.
- Affirmative vote of 7 members is required to adopt a recommendation.



# RECOMMENDATIONS

## **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.

## **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. 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

Recommendations cover:

- Continue or terminate.
- Legislation.
- Program improvements.
- Holdover or release from review.
  - Release can be contingent on items such as legislation.

➤ Affirmative vote of 7 members is required to adopt a recommendation.

# RECOMMENDATIONS

## **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.

## **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.

## **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.

## **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. 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.

## **Recommendation 12: Follow Up Reporting**

DVI shall submit progress reporting to JLOSC staff 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

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

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

## Recommendations cover:

- Continue or terminate.
  - Legislation.
  - Program improvements.
  - Holdover or release from review.
    - Release can be contingent on items such as legislation.
- Affirmative vote of 7 members is required to adopt a recommendation.

# ANALYST RECOMMENDATION

Despite a nationwide pandemic which presented new challenges, DVI has made admirable and positive progress on all the Committee's recommendations regarding staffing, policy, funding, communication, and education services.

DVI has demonstrated responsiveness to the Committee's recommendations and provided their ongoing plans and implementation goals in the final December reporting update. DVI voluntarily provided this additional information without prompting by JLOSC staff. It is the analyst's belief that this is a demonstration of good faith efforts that DVI's work will continue well past the conclusion of the JLOSC review process.

Additionally, DVI leadership confirmed during communications with the Committee's analyst that leadership remains dedicated to their ongoing plans and initiatives to continue agency improvement. DVI leadership found the JLOSC review process to be rewarding and expressed gratitude to the Committee and its staff for assisting them through this review process and providing the needed support to bring meaningful change to the agency.

The remaining review work requires legislation which will be drafted jointly between JLOSC and DVI staff. The review work completed under this sunset and oversight review will provide guidance for the drafting process and can continue without further progress monitoring.

## ANALYST RECOMMENDATION:

DVI is released from review upon enactment of legislation making technical corrections under Recommendation 2.

- Admirable and positive progress has been made on all adopted recommendations.
  - Top concerns raised during task force process included agency turnover, education, and accessibility of offices.
    - Progress shows focus on strengthening agency internally and externally with better policies, training, and communications.
    - Community outreach and accessibility is progressing with community partnership with Georgetown Public Library.
    - Continued work with the Equitable Infrastructure Committee.
      - sub-committee of the Special Education Strategic Plan Advisory Council ("SESPAC").
      - Developed a proposed plan for creating equitable education services and funding across the state for students served through Autism Spectrum Disorder, Deaf, Hard of Hearing, Deaf-Blind, and Visual Impairment programs.
- Drafting of legislation will continue between staff.
  - Present to JLOSC for review.
  - Drafting can continue without further monitoring.

## ANALYST RECOMMENDATION:

- DVI is released from review upon enactment of legislation making technical corrections under Recommendation 2.
- Affirmative vote of 7 members is required to adopt a recommendation.





# Stay Connected

 Twitter: @DEDivResearch

 Web: <https://legis.delaware.gov/Committee/Sunset>

 Phone: (302) 744-4114

 Email: [Sunset@delaware.gov](mailto:Sunset@delaware.gov)