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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.

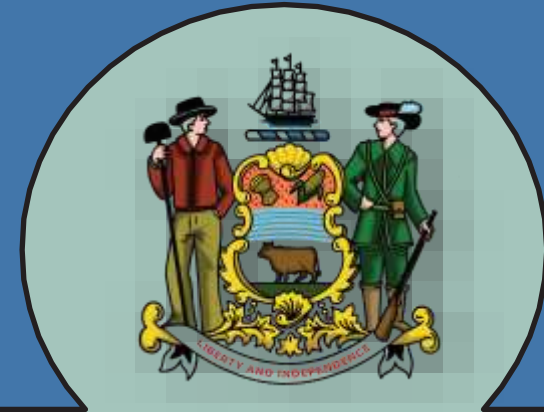
Agenda

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

The public may submit written comments to Sunset@Delaware.gov.

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

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Joint Legislative Oversight & Sunset Committee

Holdover Meeting

February 9, 2021

Division for the Visually Impaired

2021 Holdover Meeting



JOINT LEGISLATIVE OVERSIGHT
& SUNSET COMMITTEE

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

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DVI HOLDOVER CONTENTS

OVERVIEW

JULY UPDATE

DEC UPDATE

LEGISLATION

RECOMMENDATIONS

ANALYST
RECOMMENDATION

OVERVIEW

- 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 28th and Feb 20, 2020.**
 - JLOSC adopted recommendations on Feb 20th 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 31.¹⁴

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

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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.

¹⁵ 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.



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