Joint Legislative Oversight and Sunset Committee

Holdover Meeting

February 9, 2021

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/UCmz9PiLcN3IE6o/WoERoIuG1g
OVERVIEW

Services for visually impaired Delawareans originated in 1906, through the Delaware Commission for the Blind ("Commission"). In 1969, the General Assembly codified the Commission, making it Delaware’s first state agency, to provide gainful employment for those with 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 need 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 consumers 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 8 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. 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 included in both the 2019 JLOSC Final Report and the 2020 Final Report of the JLOSC Task Force on DVI. Adopted recommendations highlighted the following key areas in need of strength and support:

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

1 Appendix A: Fact Sheet for JLOSC Task Force on DVI.
2 Both reports are accessible on the JLOSC website: [https://lgs.dlgsx.gov/Committee/Sunset/2019_JLOSCReviews](https://lgs.dlgsx.gov/Committee/Sunset/2019_JLOSCReviews)
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.  

**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 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 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 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.
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