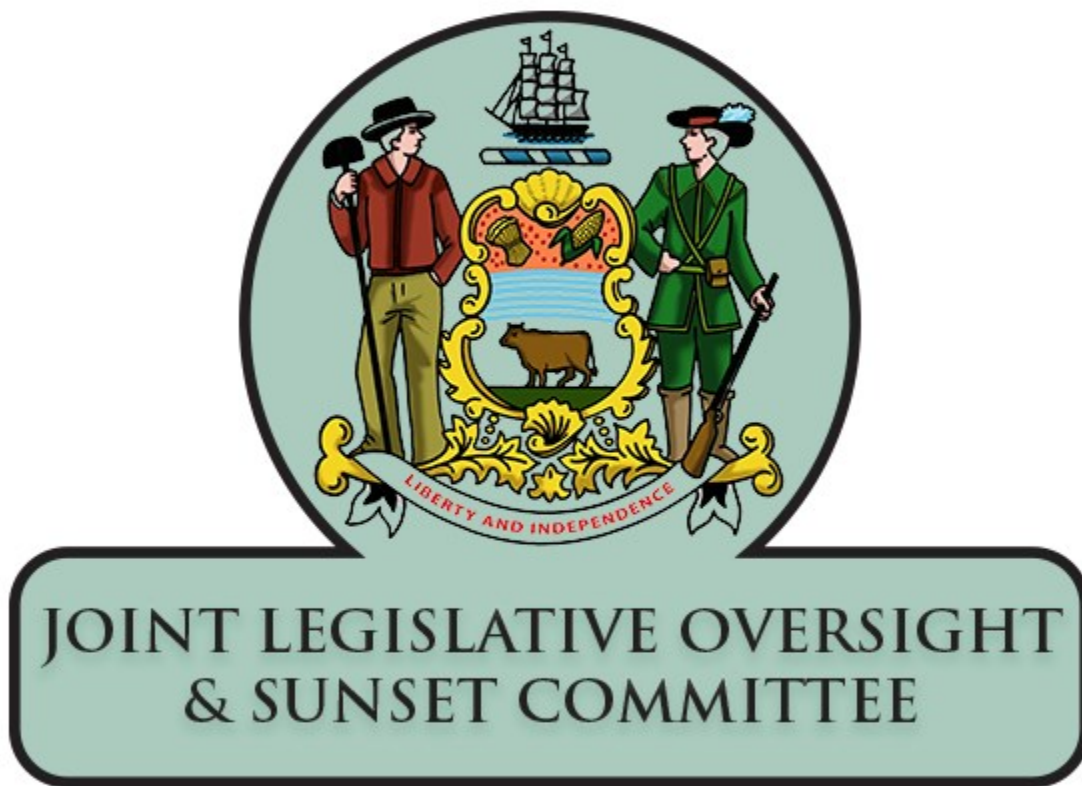


Final Report of the **Joint Legislative Oversight and Sunset Committee Task Force** **on the Division for the Visually Impaired**

*Established under
Senate Resolution No. 8 of the 150th General Assembly*



*Respectfully Submitted to the
Joint Legislative Oversight and Sunset Committee
January 2020*

Final Report Prepared by Division of Research Staff:

Mark Brainard

Amanda McAtee

Joint Legislative Oversight and Sunset Analysts

Holly Vaughn Wagner

Deputy Director

Legislative Attorney

Natalie White

Administrative Specialist



411 Legislative Avenue

Dover, DE 19901

(302) 744-4114

<https://legis.delaware.gov/Offices/DivisionOfResearch>

Acknowledgements:

The Division of Research Staff would like to sincerely thank all those who were involved in the Task Force and research efforts which made this report possible.

Table of Contents

EXECUTIVE SUMMARY	5
INTRODUCTION	7
<i>Methodology</i>	8
TASK FORCE MEETINGS	9
MEETING 1	10
MEETING 2	11
MEETING 3	13
MEETING 4	16
MEETING 5	19
MEETING 6	21
RESEARCH.....	22
VISUALLY IMPAIRED SERVICES IN OTHER STATES	22
U.S. CENSUS BUREAU POPULATION ESTIMATES OF REPORTED VISION DIFFICULTIES.....	25
EDUCATION FUNDING	26
FEDERAL EDUCATION FUNDING: IDEA	27
DELAWARE EDUCATION STATUTE, TITLE 14	29
STATE-FUNDING COURT DECISIONS BY STATE	30
RECENT LEGISLATION	31
ADDITIONAL INFORMATION PROVIDED BY DVI.....	33
APPENDICES.....	38
APPENDIX A: TASK FORCE MEETING WORKSHEETS – RAW DATA	
<i>Meeting 2</i>	39
<i>Meeting 3</i>	111
<i>Meeting 4</i>	174
<i>Meeting 5</i>	303
APPENDIX B: TASK FORCE MEMBERS WORKSHEET RESPONSES AND MATERIALS	
<i>Loretta Harper-Brown</i>	331
<i>Dr. Debbie Harrington</i>	335
<i>Elisha Jenkins</i>	353
<i>Sonya Lawrence</i>	361
<i>Wayne Marsh</i>	381
<i>Kevin McAllister</i>	388
<i>Mary Ann Mieczkowski</i>	396
APPENDIX C: INFORMATION RECEIVED FROM CONSULTANTS	
<i>Written comments from Lloyd Schmitz</i>	403
<i>Information from Jerry Petroff Ph.D.</i>	411
<i>Information from Karen Blankenship Ph.D.</i>	413
<i>Information from William McCafferty</i>	415
APPENDIX D: ADDITIONAL RESEARCH MATERIALS	
<i>U.S. Census Bureau Population Estimates of Reported Vision Difficulties</i>	417
<i>Part B Child Count by Disability</i>	419
<i>Education Commission of the States: K-12 Special Education Funding</i>	424
<i>Delaware Education Statute, Title 14 (relevant sections)</i>	444
<i>School-Funding Court Decisions by State</i>	470
<i>DVI BEP Information</i>	472
<i>DVI Additional Vocational Rehabilitation Information</i>	544
<i>DVI Customer Satisfaction Surveys</i>	545
APPENDIX E: SENATE RESOLUTION 8	608
APPENDIX F: JLOSC TABLED RECOMMENDATIONS	613

EXECUTIVE SUMMARY

- The Task Force held 6 meetings and collected data on 28 tabled Recommendations.¹
 - Developed and distributed worksheets to collect feedback on the 28 Recommendations.
 - 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.
- The task force process permitted the JLOSC Analyst time to conduct additional research, including information obtained from consultants and other sources. The following are highlights from the Analyst's additional research.
 - Services for the blind and visually impaired are highly specialized.
 - Due to complexity, careful consideration of research and best practices is necessary in all decision-making processes.
 - Blindness and visual impairments are considered specialized low-incidence disabilities, which require specialized resources, which have higher associated costs.
 - Estimated costs for assistive technology devices for the blind and visually impaired range from \$1000 to \$6000 per device.
 - The average cost for converting a textbook into braille can cost over \$15,000.
 - Delaware's DVI program is unique; no other state program for the blind and visually impaired operates in the exact same manner.²
 - Unlike Delaware's DVI program, most states have large non-profit support for their blind and visually impaired populations.
 - Unlike Delaware, most states have dedicated schools for the blind and visually impaired.
 - Most states' programs are arranged into their labor departments and provide only vocational rehabilitation services and independent living services for older adults.

¹ This executive summary was modified after the meeting 6 final report review & discussion.

² Task Force member's opinion regarding education (additional information found on page 21): "No other state administers secondary education through its Department of Health and Social Services likely because under such circumstances the governing agency cannot be held accountable for IDEA standards, laws and regulations, nor is it a local education agency authorized to administer IDEA and receive appropriate complex student funding."

- Delaware's DVI program contains the following 5 program units:
 - Education Services.
 - Includes the Instructional Materials and Resource Center.
 - Vocational Rehabilitation.
 - Includes the Business Enterprise Program.
 - Independent Living Services (for all age groups).
 - Orientation and Mobility.
 - Assistive Technology.
- DVI is a small agency charged with providing services for low-incidence disabilities that require specialized resources and would benefit from meaningful recommendations from the JLOSC review process. The following was not known during the initial review process and impacts the tabled recommendations.
 - Delaware's DVI programs have been consulting with leading experts for several years.
 - Delaware's DVI program started conducting customer satisfaction surveys in September of 2018 and has an overall customer satisfaction rate of 82.84%.³
 - Overall customer satisfaction rate is a net-weighted percentage encompassing 5 service units within DVI, based on customer satisfaction survey data received during the September 2018 through October 2019 timeframe. The survey data collected received a total of 360 responses, additional details on the survey data provided on pages 35-36 of this report and on pages 545-607 of Appendix D.⁴
 - DVI opened new office locations to conserve costs and streamline services.
 - Working with DelDOT in assessing accessibility issues.
 - Working to minimize disruptions.
 - Expanded from 2 to 4 sites.
 - As of November 18, 2019, Sandra Miller became the acting director for DVI, she previously served as the agency's deputy director.⁵
 - As of December 30, 2019, DVI has 71 full time positions, 58 are filled and 13 vacant, and 4 casual seasonal positions, no vacancies.⁶

³ Task Force member's statement of opposition to the customer satisfaction survey results being included in the report: "The customer satisfaction survey is not relevant to this process of evaluating the efficacy of DVI; it was not discussed, the collection and data analysis methods are not known to be validated, and there is no evidence that the results are reliable, consistent or ever used to make improvements."

⁴ JLOSC Analyst added additional clarifying information regarding survey results after the meeting 6 final report review & discussion. The overall satisfaction percentage is different from the percentage included in the final report reviewed during meeting 6. This is due to obtaining weighted data from Survey Monkey, explained on page 35 of this report.

⁵ Task Force member's opinion regarding leadership: "The severe issues DVI faces with its leadership, an integral part of performance management, must be genuinely considered in any efforts to decide the agency's capacity to operate effectively."

⁶ Additional information on page 34.

INTRODUCTION

JLOSC and the Review Process

The Joint Legislative Oversight and Sunset Committee (“JLOSC”) is a bipartisan body comprised of 5 members of the Senate and 5 members of the House of Representatives. JLOSC reviews state entities to determine the public need for the entity and, if need exists, whether the entity is effectively performing to meet the need. JLOSC reviews aim to provide strength and support to entities that are providing a state-recognized need. JLOSC performs its duties with support provided by several of the Division of Research’s dedicated and nonpartisan staff: 2 JLOSC analysts, a legislative attorney, an administrative assistant, and, during legislative session, a legislative fellow.

JLOSC started its review of the Division of the Visually Impaired (“DVI”) in 2019. As with each review, the process included the completion of a draft report, based on information and performance questionnaire responses that DVI submitted. JLOSC held a public presentation meeting in April 2019, at which DVI presented information about the agency and JLOSC took public comment.⁷

In May 2019, JLOSC reviewed and considered 31 recommendations, based on the information received throughout the review process. JLOSC tabled 28 recommendations and adopted 3. Two of the 3 adopted recommendations include holding over DVI to continue its review in 2020 and creating the JLOSC Task Force on DVI (“Task Force”) to gather additional research on the 28 tabled recommendations (collectively, “the 28 Recommendations”).⁸

Creating the Task Force

Because DVI’s review proved to be complex and required further research to assist JLOSC in determining which recommendations to adopt, JLOSC sponsored and created the Task Force through Senate Resolution No. 8 (“SR 8”).⁹ The resolution defines the Task Force’s scope as follows:

[To] research, discuss, and make findings regarding Recommendations 2 through 29 of the JLOSC’s review of [DVI], and report its findings and recommendations to the JLOSC. The Task Force may find that JLOSC should consider additional recommendations that the Task Force identifies.

The Task Force convened JLOSC staff and individuals with experience in the field to provide insight and discuss the merits and concerns of the 28 Recommendations.¹⁰ JLOSC staff co-chaired the Task Force, performed its administrative duties, and produced this report.

The Task Force held its first meeting on August 14, 2019, to establish the Task Force’s scope, goals, organization, composition, schedule, and methods of communication. The Task Force’s sixth and final meeting was on December 20, 2019.

⁷ Presentation meetings are typically held earlier than March; due to staffing changes, the 2019 reviews were delayed.

⁸ Additional details regarding DVI’s 2019 review are included in JLOSC’s June 2019 Final Report, accessible through JLOSC’s section of the Delaware General Assembly’s website.

⁹ See “SR 8” in Appendix E for the full resolution.

¹⁰ See Appendix F for full text of the 28 Recommendations.

METHODOLOGY

Structure of Meetings

The Task Force held 6 meetings: 1 to discuss its organization and establish administrative perimeters; 4 to discuss the 28 Recommendations, divided by shared topics; and 1 to discuss and approve this report. The meetings were organized in such a way to ensure that the Task Force report could be submitted by January 3, 2020, to comply with SR 8.

Gathering Input on the 28 Recommendations

The Task Force's primary task was to discuss the 28 Recommendations within the time permitted by SR 8. To ensure focused discussion on the voluminous issues covered by the 28 Recommendations, the JLOSC Analyst ("the Analyst") divided the recommendations by similar subject matter so that each of the 4 substantive meetings addressed a general subject matter.

Prior to meetings, the Analyst created and distributed a worksheet to poll Task Force members, consultants, and the public to collect opinions and discussion points on each recommendation. Worksheets included a request that the respondent provide any comments or explanations that the respondent wished, and that the respondent pick 1 of the following options for each recommendation:

- **JLOSC should not consider this recommendation.**
- **JLOSC should consider as written (no modifications).**
- **JLOSC should consider with modifications.**

Worksheets encouraged additional comments from task force members, consultants, and the public, especially if the respondent chose the option "should not consider" or "consider with modifications." Each worksheet made explicitly clear that the Task Force's purpose and scope was to gather information, the worksheet was simply a mechanism to gather the information, and anyone could submit comments in a variety of other manners, such as emailing research or written comments to the Task Force co-chairs or speaking directly with the Analyst.

The Analyst emailed a worksheet to Task Force members, consultants, and the public prior to each meeting. Worksheets were also posted on the Task Force's website, information soliciting participation was included in the posted meeting agendas, and SurveyMonkey offered a mechanism to complete worksheets and allow users to choose whether to include contact information or remain anonymous.

The public comment period, which included the completion and submission of all meeting worksheets, was open until November 8, 2019. Because the Task Force had many recommendations to discuss in a short period of time, it did not revisit at its meetings recommendations that were discussed at a previous Task Force meeting. Everyone was encouraged, however, to continue to submit comment on any of the 28 Recommendations until the November 8 deadline.

TASK FORCE MEETINGS





Date: August 14, 2019

Objective: Establish scope, goals, organization, composition, schedule, and methods of communication

Overview of Discussion:

- **Goal:** Complete discussion of 28 Recommendations within 4 meetings, to meet report deadline of January 3, 2020.
- **Purpose:** To research, discuss, and make findings regarding the 28 Recommendations and report its findings and recommendations to JLOSC; the Task Force could also find that JLOSC should consider additional recommendations that the Task Force identified.
 - Convene individuals with experience in the field to provide insight and discuss the merits and concerns of each of the 28 Recommendations.
 - Collect information on the 28 Recommendations from a variety of sources and viewpoints; convey that information to JLOSC in the Task Force's Final Report.
 - Advise JLOSC whether to approve a recommendation as drafted, approve with modifications based on the information gathered, or remove from consideration. JLOSC, however, makes the final determination for each recommendation.
- **Limitations:** Limited in scope; cannot approve the implementation of a recommendation or authorize or require a change in any statute, policy, or practice.
- **Roles and Responsibilities of Task Force Members and Consulting Members:** To bring expertise and knowledge to discussion of the tabled recommendations, and work with JLOSC staff to provide resources and expertise in the recommendation topics.
- **Meeting Documents:** Agendas, minutes, and other meeting documents posted online on the public meeting calendar under JLOSC and on the General Assembly website. All meeting agendas included "listening line" information so that members of the public could listen to the task force meeting proceedings remotely via telephone.
- **Resources:** JLOSC staff post, facilitate, and direct meetings, and complete the final report. JLOSC Analyst Amanda McAtee and Legislative Attorney Holly Vaughn Wagner serve as task force co-chairs. Mason's Manual of Legislative Procedure governs procedural matters not addressed in SR 8.



Date: September 10, 2019

Objective: Discussion of 9 recommendations related to the DVI agency operations and structure

Worksheet Responses Received: 17

Worksheet Poll Results:¹¹

Recommendation	JLOSC should NOT consider		JLOSC should consider AS WRITTEN		JLOSC should consider with MODIFICATIONS	
	Total	Task Force Members Only	Total	Task Force Members Only	Total	Task Force Members Only
Rec. 16 – Fill Agency Vacancies	3	2	8	2	6	3
Rec. 17 – Increase Staff Certifications	2	1	3	2	12	4
Rec. 18 – Increase Braille Resources	4	2	6	1	7	4
Rec. 19 – Funding and Grants for Assistive Technology	0	0	10	2	7	5
Rec. 20 – DVI Staff Training on Assistive Technology	2	1	8	2	7	4
Rec. 21 – Equip Rapid Ready Rooms	2	1	10	3	5	3
Rec. 23 – Recruitment (staff)	1	1	9	2	7	4
Rec. 24 – Orientation and Mobility	3	2	4	1	10	4
Rec. 29 – Reporting Requirement Regarding Prior Task Force	3	2	8	3	6	2

¹¹ At its December 20 meeting, the Task Force agreed to provide a breakout of Task Force members' polling results on each recommendation. Each chart's "Total" column shows the total polling results received from members, consultants, and the public. The following column "Task Force Members Only" breaks out the task force member votes received from the "Total" column. For example, for Recommendation 16, 3 responses were received for the poll response "JLOSC should not consider" and 2 of those 3 responses were received from task force members. The co-chairs, who are JLOSC staff, did not participate in the worksheet polls; therefore, each recommendation could have a maximum of 7 poll responses. The meeting 2 worksheet received participation from 7 task force members.



Overview of Discussion & Responses:

- Rapid ready rooms were designed to quickly offer assistive technology solutions but have several limitations.
- DVI is challenged by Delaware's state employment merit classifications and career ladders for some agency positions; assistive technology and vision rehabilitation specialist positions specifically are included in Delaware's generic trainer/educator career ladder.
- DVI does not have a training budget.
- Discussion included desire to hire an independent consultant to study and project staffing needs and agency resources.
- DVI could consider surveying its consumers to ensure braille resource needs are known and then set any needed goals to meet identified needs.
- Private funds for assistive technology resources require applicants to be a non-profit organization, DVI lacks non-profit support.
- DVI would appreciate assistance with convincing local universities to add masters level programs to meet the needs of the specialized positions.
- DVI's Orientation and Mobility ("O&M") trains clients to navigate communities with and without GPS; the ability to navigate without GPS is important in case technology fails. Learning navigation with GPS is an individual choice.
 - Guide dog schools use varying types of technology; O&M team has been told Seeing Eye presently uses Blind Square.
 - O&M explores additional training to learn availability of accessibility and voice over technology applications.
 - Some technologies are too expensive, and the latest technologies have not yet been proven reliable.
- O&M instruction length and frequency is based on the initial client evaluation.
- O&M instruction is a team effort with the main goal to address client independence.
- All O&M instructors must be certified before being hired; all presently-employed O&M instructors have the required certifications.
- O&M instructors provide sensitivity training to local and state police organizations.



Date: October 2, 2019

Objective: Discussion of 9 recommendations related to the Business Enterprise Program

Worksheet Responses Received: 16

Worksheet Poll Results: ¹²

Recommendation	JLOSC should NOT consider		JLOSC should consider AS WRITTEN		JLOSC should consider with MODIFICATIONS		No Response ¹³
	Total	Task Force Members Only	Total	Task Force Members Only	Total	Task Force Members Only	-
Rec. 7 – BEP Regulations	2	1	8	3	6	1	
Rec. 8 – BEP Members' Removal Process; Blind Vendors Committee Board	2	1	8	3	6	1	
Rec. 9 – BEP, Blind Vendors Committee Training Opportunities	1	1	10	3	5	1	
Rec. 10 – Implementation of BEP Audit Recommendations	1	1	12	4	2	0	1
Rec. 11 – BEP Set-Aside Requirements	3	1	7	2	6	2	
Rec. 12 – BEP Public Outreach	3	1	10	4	3	0	
Rec. 13 – Remove BEP from State Payroll and Pension Systems	3	2	4	1	8	2	1
Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act	0	0	10	3	6	2	
Rec. 15 – Strengthen Business Programs	0	0	10	3	6	2	

Overview of Discussion & Responses:

- Blind Enterprise Program (“BEP”) is under Vocational Rehabilitation, authorized by the Randolph-Sheppard Act, and monitored by the federal Rehabilitation Services Administration (“RSA”).

¹² The meeting 3 worksheet received participation from 5 task force members.

¹³ The “no response” column indicates that one worksheet was received without responses to the indicated questions. Task Force members who did not participate in completing a worksheet are not included.



- BEP has a formal regulation process.
 - BEP sends its regulations to RSA for approval. The approval process is backlogged nationwide; can take up to 2 years.
- Randolph-Sheppard Act determines set-aside amounts.
- Blind Vendor's Committee (comprised of BEP) will exit the State of Delaware payroll system by the end of 2019, to comply with a federal requirement under RSA.
 - DVI processing payroll for BEP operators is out of compliance with federal program requirements. BEP operators are working to correct this.
- Delaware Office of Pensions has already spoken to Delaware BEP operators about remaining or leaving the state pension system.
 - BEP operators may remain in the pension system if they wish.
- Hadley, a national organization that offers education free of charge to anyone with visual impairment, provides training to BEP operators, and advises BEP.
 - Training is always available to BEP operators who need it.
 - Hadley provides initial program training.
- The Blind Vendor's Committee is working on website improvements.
- The Blind Vendor's Committee is working on draft legislative changes to enhance and improve the program.
- BEP will continue efforts to reach high school students and provide education on the program.
- Randolph-Sheppard Act dictates BEP vendors' reporting requirements.
- BEP operators are audited by the DVI fiscal department.
 - An annual report is submitted to RSA.
- Loss of operators' income is the result of normal business operation.
 - Loss of income is not misappropriated or unaccounted for.
 - Audits are conducted and reports are available.



- BEP does not have food trucks running; some operators have vending carts.
- Blind Vendor's Committee is moving away from third-party contracting.
 - In line with the spirit of the Randolph-Sheppard Act, which encourages but does not require that BEP program operators are in the public running their own vending operations.
- After this meeting, DVI submitted to the JLOSC Analyst BEP by-laws and related materials, which are included in Appendix D.



Date: October 17, 2019

Objective: Discussion of 6 recommendations related to education.

Worksheet Responses Received: 24

Worksheet Poll Results:¹⁴

Recommendation	JLOSC should NOT consider		JLOSC should consider AS WRITTEN		JLOSC should consider with MODIFICATIONS	
	Total	Task Force Members Only	Total	Task Force Members Only	Total	Task Force Members Only
Rec. 3 – Reduce Teacher Student Ratio	1	0	10	5	13	2
Rec. 22 – Encourage Teachers for the Visually Impaired Education	3	0	12	2	9	5
Rec. 25 – DOE Communication	1	1	14	4	9	2
Rec. 26 – Implementing Education Service Model	5	3	10	3	9	1
Rec. 27 – Braille Instruction for All Students	4	0	11	3	9	4
Rec. 28 – DVI Resources for Individualized Education Program Development	5	2	15	3	4	2

Additional Question	YES		NO		NEUTRAL/ UNSURE		PREFER NOT TO ANSWER	
	Total	Task Force Members Only	Total	Task Force Members Only	Total	Task Force Members Only	Total	Task Force Members Only
Should education services relocate to the Department of Education?	10	2	8	2	5	2	1	1

THIS SPACE INTENTIONALLY LEFT BLANK

¹⁴ The meeting 4 worksheet received participation from 7 task force members.

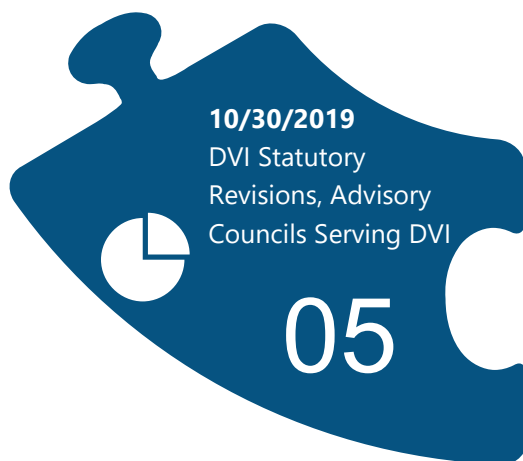


Overview of Discussion & Responses:

- DVI's education department working with Quality Programs for Students with Visual Impairments ("QPVI") for a few years.
 - QPVI developed to address a lack of standards of practice in the field of visual impairments.
 - At the beginning of QPVI, Delaware did not have enough staff, and technical assistance was conducted until enough staff were hired.
 - DVI and QPVI have finished the eligibility and essential assessment component and have begun the ECC instruction/evaluation.
 - Throughout each component, the team has established standards of practice and used peer critiques to improve their practice. The team has worked diligently on the process.
- A national shortage of teachers for the visually impaired exists.
- DVI recruited 12 special education teachers over the last 3 years.
- Delaware's Department of Education ("DOE") and DVI working on revising their Memorandum of Understanding ("MOU").
- The MOU between DOE and DVI needs to be updated in order to address communication issues.
- Meeting discussion highlighted issues in communications with school districts, also known as Local Education Agencies ("LEAs").
 - Communication issues could be alleviated by revising the MOU and creating strong, transparent policies on addressing education services.
- DVI and DOE need to research, discuss, and agree on the funding structure.
 - The sample structure from New Jersey found in Recommendation 26 is an idea that DVI was researching but had not discussed with DOE.
 - LEAs currently use their federal, state, and local funds to appropriately service students with disabilities **except** for those who are blind or visually impaired. DVI provides education resources for the blind and visually impaired through their state allocations and some funding through the Individuals with Disabilities Education Act ("IDEA") that the DOE grants.
 - This structure is falling short and DVI's education section requires more funding resources in order to provide education services.



- Braille is included in the Individualized Education Program (“IEP”) process and is a team decision.
- DVI is included in IEP meetings but procedures could be further developed for clarity to ensure that DVI receives adequate notice for applicable IEP meetings.
 - IEP language should include mention of specific experts, such as DVI.
- The additional question in this meeting worksheet, whether DVI education services should be moved to DOE, yielded a mix of answers and passionate arguments. With no consensus reached, this is an area that would benefit from further discussions.
 - Additional research on this topic is included in the Research section of this report.



Date: October 30, 2019

Objective: Discussion of 4 remaining recommendations.

Worksheet Responses Received: 15

Worksheet Poll Results:¹⁵

Recommendation	JLOSC should NOT consider		JLOSC should consider AS WRITTEN		JLOSC should consider with MODIFICATIONS	
	Total	Task Force Members Only	Total	Task Force Members Only	Total	Task Force Members Only
Rec. 2 – General Statutory Updates & Technical Corrections	2	1	11	4	2	0
Rec. 6 – Remove Reference to the Delaware Industries for the Blind from the Delaware Code and Administrative Code	1	0	12	4	2	1
Rec. 4 – Publish By-Laws	1	1	11	3	3	1
Rec. 5 – Council of the Blind By-Law Requirement	2	1	10	3	3	1

Overview of Discussion & Responses:

- Tabled recommendation #2 is a standard recommendation that we include for all entities under JLOSC review. Technical changes do not have substance. An example would be a misspelled word or the use of outdated terminology.
- Worksheet responses referred to the Council on the Blind (“Council”) as the “Governor’s Advisory Council on the Blind or GACB.” Further research included:
 - Council created by the 125th General Assembly and enacted on November 5, 1969, primarily to serve as in an advisory capacity to the DVI administrator of DVI, under § 7913, Title 29.
 - Governor’s office appoints Council members.
 - Governor’s office confirmed that Council documents state its title as the “Council on the Blind” and the Council is not a Governor’s advisory council.
 - Section 8210, Title 29, the State Council for Persons with Disabilities statute, **incorrectly** refers to the Council as the GACB instead of its correct title.

¹⁵ The meeting 5 worksheet received participation from 5 task force members.



- Recommendation 4, the publishing of DVI-related by-laws on the DVI website, is offered as an effort for statewide transparency.
- JLOSC review process commonly looks at cleaning up technical statutory issues; this review process revealed that not all councils serving DVI have by-laws.
 - Recommendation 5 is intended to encourage the creation of the missing by-laws.



Date: December 20, 2019

Objective: Approval of the Task Force Report

Vote to Approve Task Force Report:

- 6 Task Force members were present to vote.
- After robust discussion, a motion was made to approve the report, contingent on the following:
 - The understanding that additional proofreading and technical or formatting changes would be made prior to submission to JLOSC.
 - That the polling results of Task Force members be provided independently from the total polling results for each of the 28 Recommendations.¹⁶
 - The inclusion of a note in the Executive Summary explaining the context of DVI's customer satisfaction survey results and a Task Force member's statement of opposition to the inclusion of the customer satisfaction survey results.¹⁷
- The report was approved by a vote of 5 in favor and 1 opposing. The opposing vote was cast despite the Task Force's agreement to include changes to accommodate the opposing member's stated concerns.

Special Notes:

- All Task Force members, consultants, and public attendees worked diligently to provide JLOSC with useful information. All were mindful of the delicate balance of providing JLOSC with all relevant information without providing so much information to render it ineffective. To that end, JLOSC may wish to use the findings in this report as a guide for additional public discussions as it continues the DVI review in 2020.
- Because this page is a summary of what occurred at the Task Force's final meeting, it was not considered by the entire Task Force. The JLOSC staff who served as the Task Force co-chairs unilaterally drafted and included this page to serve as a summary of the final meeting.
 - Any additional information included in this report after Task Force consideration at its final meeting is indicated by footnote.

¹⁶ See the polling result charts on pages 11, 13, 16, and 19.

¹⁷ The Task Force member was asked to provide a brief statement by December 30, 2019. See the Executive Summary for these additions in footnotes 1-3. Additional information outside of the brief statement was also received and is included in Appendix B on page 330.

RESEARCH

The task force process permitted the JLOSC Analyst time to conduct additional research, including information obtained from consultants and other sources. The following is the Analyst's additional research.

Visually Impaired Services in Other States

The JLOSC analyst researched and reviewed services for the visually impaired across the country and noted their arrangements, including where education for the visually impaired is housed.

- Delaware's DVI services are unique; no other program is structured exactly as in Delaware.
 - Only Connecticut has a similar program, but they have a dedicated bureau of education housed within their program. And, the Connecticut program is under the Department of Aging and Disability Services.
- Delaware's DVI contains the following programs:
 - Education services for the blind and visually impaired.
 - Including the Instructional Materials and Resource Center.
 - Vocational Rehabilitation
 - Including the Business Enterprise Program.
 - Independent Living Services.
 - Orientation and Mobility.
 - Assistive Technology.
- Most equivalent state programs supply only vocational rehabilitation services, housed under the labor departments.
 - Independent living services are commonly supplied only to adults 55 or older.
 - Likely due to funding, the federal Rehabilitation Services Administration provides grants for Independent Living Services for Older Individuals who are Blind, limited to those who are 55 and over.
- 3 states have an independent agency for blind and visually impaired services.
 - Idaho (Commission for the Blind and Visually Impaired)
 - Iowa (Department for the Blind)
 - Nebraska (Commission for the Blind and Visually Impaired)

THIS SPACE INTENTIONALLY LEFT BLANK

- 3 states recently restructured their agencies.
 - Kentucky’s Office for the Blind merged with Office of Vocational Rehabilitation to create the Blind Services Division as of October 1, 2018.
 - Michigan’s Governor signed an executive order on June 7, 2019, reorganizing multiple agencies and creating the Department of Labor and Economic Opportunity, where the Bureau of Services for Blind Persons is now located.
 - Connecticut’s Department of Rehabilitation Services changed its name to the Department of Aging and Disability Services effective October 1, 2019, where the Bureau of Education and Services for the Blind is now located.
- Other than Delaware, all states have active non-profit support for the blind and visually impaired community.
 - Same level of non-profit support not found for Delaware’s DVI program.
 - 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.
 - Schools in 2 states have closed, Michigan in 1995 and Oregon in 2009.
 - Nevada exploring expansion of its main non-profit Nevada Blind Children’s Foundation (“NBCF”) into a dedicated school for the blind.
 - Current educational trends focus on mainstreaming students with disabilities; NBCF director stated that, ideally, special schools for blind students would be rendered unnecessary if public school systems offered a high level of services.

THIS SPACE INTENTIONALLY LEFT BLANK

STATES WITH SCHOOLS FOR THE BLIND AND VISUALLY IMPAIRED

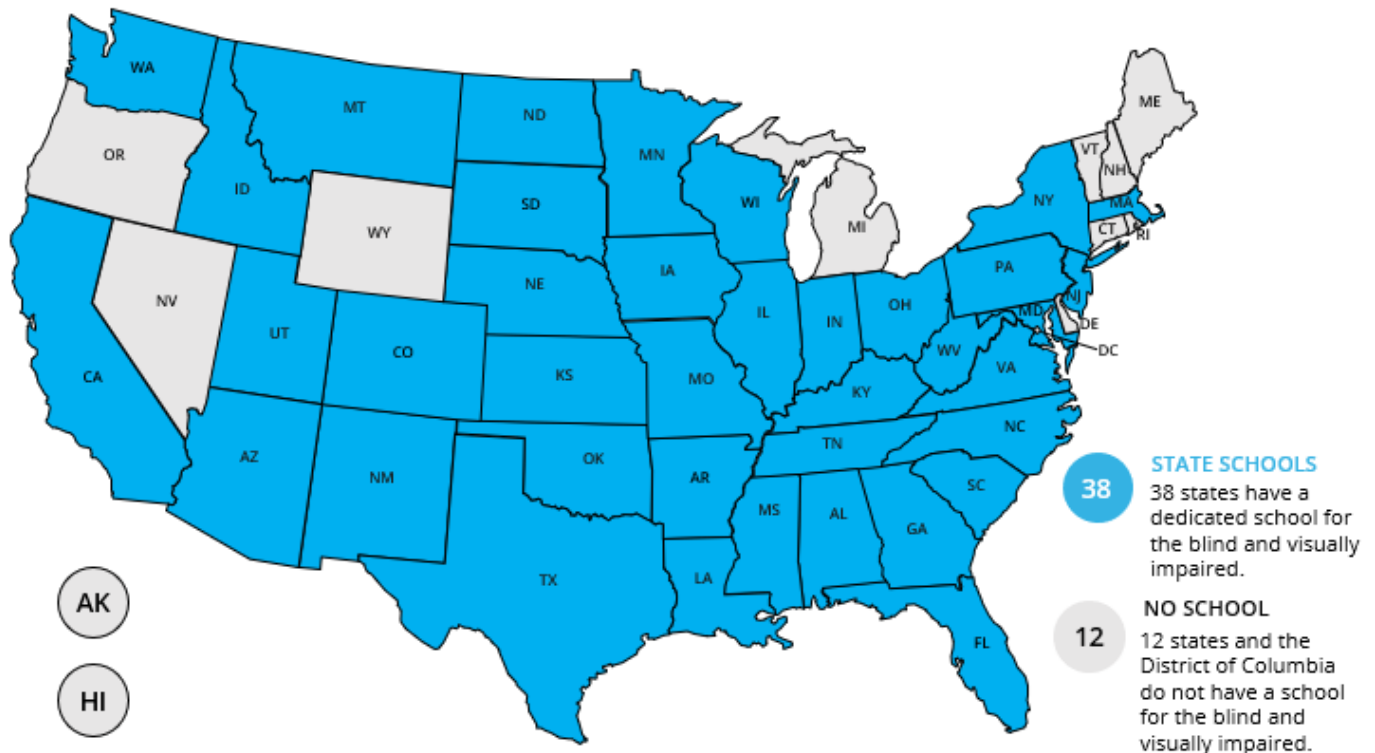


Chart created by JLOSC analyst with obtained state data.

THIS SPACE INTENTIONALLY LEFT BLANK

U.S. Census Bureau Population Estimates of Reported Vision Difficulties

Blindness and vision impairments are considered low-incidence disabilities. In order to gain a better understanding of affected population numbers, the JLOSC Analyst pulled U.S. Census Bureau data to examine population numbers of reported vision difficulties. Records were available for years 2014 through 2017. The term “vision difficulty” in the data refers to individuals who reported serious difficulty seeing even when wearing glasses or contact lenses and those who are blind or unable to see at all. Delaware is the 2nd smallest state in the United States after Rhode Island, but the 6th most densely-populated state. With those statistics in mind, here is U.S. Census Bureau data to compare Delaware to other states:

U.S. Census Bureau Estimate American Community Survey Single-Year Data 2014-2017

States with the Lowest Populations of Reported Vision Difficulties*

Rank	State	2017 Population Total
1	Vermont	11,810
2	Wyoming	12,037
3	North Dakota	13,954
4	South Dakota	16,165
5	Delaware	18,890
6	Alaska	19,008
7	Rhode Island	20,708
8	Montana	22,504
9	New Hampshire	25,366
10	Hawaii	26,597

Rank	State	2016 Population Total
1	Vermont	13,629
2	Wyoming	14,179
3	North Dakota	15,206
4	District of Columbia	15,754
5	Alaska	15,873
6	South Dakota	16,699
7	Delaware	19,290
8	Montana	21,852
9	Rhode Island	23,069
10	Hawaii	24,491

Rank	Geography	2015 Population Total
1	North Dakota	12,083
2	Wyoming	14,000
3	Vermont	14,530
4	South Dakota	14,977
5	Alaska	15,372
6	District of Columbia	17,786
7	Rhode Island	18,826
8	Delaware	20,350
9	Montana	21,845
10	Hawaii	21,952

Rank	State	2014 Population Total
1	North Dakota	12,226
2	Alaska	13,940
3	Vermont	14,284
4	Wyoming	16,019
5	South Dakota	17,779
6	District of Columbia	18,187
7	Delaware	19,938
8	Montana	21,887
9	New Hampshire	22,718
10	Hawaii	24,142

*Definition and scope:

The term vision difficulty refers to individuals who reported they have serious difficulty seeing even when wearing glasses or contact lenses, as well as those who are blind or unable to see at all.

Education Funding

Education funding for special education is complex and each state has a different approach; the main funding mechanisms, however, can be sorted into 7 categories as outlined by the Education Commission of the States (“ECS”).¹⁸ Delaware’s approach falls into the resource-allocation model category.

According to ECS:

Under a resource-allocation model, states distribute resources — not dollars — based on the number of identified students who require special education services. For example, the state would provide one teacher and one instructional assistant for every X number of students who require special education services and one psychologist for every Y number of students who require special education services.¹⁹

DVI included in its JLOCS performance questionnaire as an area of improvement its desire to implement an education service model and included the New Jersey model as an example. This became JLOCS’s Recommendation 26.

During the 4th task force meeting, it was discovered that DVI has been researching funding solutions, but DVI and DOE had not discussed the notion of implementing the New Jersey funding model. At the meeting, DVI expressed the need for adequate funding so DOE can provide the needed services.

After the meeting, the JLOSC Analyst determined that DVI has been working with Jerry G. Petroff Ph.D. in research efforts regarding funding options and requested Dr. Petroff’s input. Dr. Petroff’s response is summarized as follows:

- Modern medicine advances have impacted the number of blind and visually impaired students.
- Special education funding demands are changing and are more legally-bound than ever.
- Districts are responsible for all their students requiring specialized education.

¹⁸ See Appendix D.

¹⁹ This footnote has been added after the task force’s final meeting to explain the ECS research provided in this report in Appendix D. Chapter 17 of Title 14 outlines special education funding (provided in Appendix D for reference). Chapter 17 does not provide exact dollar amounts to be used for special education, instead it uses “unit” formulas, where one unit is provided for a specific number of students as described in the chapter. For example, the intensive special education unit for preschool through grade 12 is 1 unit for 6 students. The ECS research simplifies complex special education funding systems and assigns them to one of seven funding mechanism categories that they have formulated. Since Delaware’s special education statute assigns one unit for a group of children, it could be interpreted that a teacher resource has been assigned to a designated number of students as explained by the ECS Resource-Allocation Model. This is because Chapter 17 requires units to be used primarily to fund the salary of the teacher, therefore allocating a resource and not an exact dollar amount. Chapter 17 also describes a complex system of how certain situations can allow for units to be converted into cash for related services. This system of unit conversion does not fit into one of the seven funding mechanism categories that ECS outlines in their research.

- Technology and the national shortage of teachers for the visually impaired present further challenges.
- School districts use their federal, state, and local funds to appropriately service their students with disabilities, **except** for those who are blind or visually impaired.
 - DVI funds blind or visually impaired students through DVI's state allocations and some IDEA funding that DOE grants.
- Dr. Petroff believes that alternate funding systems need to be put in place but cautions that this process is not as easy as it sounds. He recommends being aware and cautious of the following:
 - Not all funding should be shifted to the local school districts because specialized low incidence disabilities such as blindness and visual impairments require more specialized resources and money.
 - DOE and DVI need to avoid disagreements due to constituent pressure.
 - Each district needs logical contractual agreements regarding procedures that lead to the determination of services.
 - The IEP team is the vehicle used in these decisions. But, if determination procedures are not clear, disagreements with damaging consequences can occur among the parties involved.

Federal Education Funding: Individuals with Disabilities Education Act ("IDEA")

Office of Special Education Programs ("OSEP") is the federal agency tasked with overall accountability of the program, including fiscal requirements. The agency monitors and supports the state's implementation of IDEA funding. Results Driven Accountability ("RDA") is the OSEP accountability system aimed at program implementation and outcome improvement.

There are three components to RDA:

- State Performance Plan/Annual Performance Report.
- Determinations.
- Differentiated Monitoring and Support ("DMS").

IDEA Performance Reporting and Determinations:

- IDEA requires each state to submit a state performance plan every 6 years.
- Each state reports against the targets included in its state performance plan. This annual report is known as an annual performance report.

- This report focuses on the ratings for Part B of IDEA funding since Part B is used for children ages 3 to 21 years. In the 2019 OSEP reports for the grant year 2017-2018, Delaware is rated as “needs assistance” in implementing the requirements of Part B of the IDEA.²⁰ The category of “needs assistance” means that Delaware requires technical assistance to improve. The following chart shows Delaware in comparison to the other 49 states; OSEP rated 21 states as meeting IDEA’s requirements and purposes.

MEETS
21 states meet requirements and purposes of Part B of the IDEA.

NEED ASSISTANCE
29 states need assistance in implementing the requirements of Part B of the IDEA.

²⁰ 2019 letters obtained from <https://sites.ed.gov/idea/spp-apr-letters>.

Delaware's Education Statute

Title 14 governs education in Delaware. Reference to the visually impaired or DVI is found in only 2 sections, § 206 (establishing braille literacy rights and education) and § 1102A(3) (defining “educator” as including teachers employed by DVI who teach visually impaired students).²¹

Notably, § 3112 of Title 14 is the “Bill of Rights for Children Who Are Deaf or Hard of Hearing.” Section 3112(a) states:

Given the unique communication needs for children who are deaf and hard of hearing there is a need to further develop the comprehensive statewide program which implements a systematic approach to service these children in areas which may include overseeing the development, delivery, and data tracking of these children across the State.

By contrast, Delaware does not have a bill of rights for children who are blind or have visual impairments. JLOSC may wish to consider sponsoring legislation establishing such a bill of rights, using § 3112 (a) as a template.

Additionally, mention of blind and visually impaired students is completely absent from Chapter 17 of Title 14 which covers appropriations, including those for special education services. Since funding was an identified issue during this task force and research process, JLOSC may wish to consider sponsoring legislation establishing funding mechanisms to include children who are blind or visually impaired. Examples of existing language that includes children who are deaf-blind, partially deaf, or hard of hearing and excludes children who are blind or visually impaired can be found in the following sections:²²

- § 1703(e) provides programs for a variety of conditions including deaf-blindness to be provided on a 12-month schedule, this section does not include blind and visual impairments in the list of conditions.
- § 1703(k) provides special education and training for pre-kindergarten aged children who are partially deaf or hard of hearing and their families.
- § 1703(m) requires programs of instruction to be prepared for children birth through the age of 21 (or the receipt of a regular high school diploma, whichever occurs first) who are identified as deaf-blind. Programs for pre-kindergarten aged children may include parents.
- § 1716A(a) provides four related service units to support the state-wide deaf-blind program.

²¹ See Appendix D for text of relevant sections.

²² This paragraph and the four bulleted sentences that follow were added by the JLOSC Analyst after the final meeting of the task force and are being included to further outline areas where language could be implemented into Title 14 in order to provide funding support for the education services of children who are blind or visually impaired.

As outlined in the following chart, individuals with a visual impairment account for a lower number of students served by IDEA Part B.²³ It is important to note that students with visual impairments have specific and unique needs which tend to have higher associated costs. For example, current costs for assistive technology (or access technology) devices range from \$1,000 to \$6,000. The average cost for converting a textbook into braille can cost over \$15,000.²⁴

Part B Child Count by Disability and State - School Year 2017-18				
	All disabilities²	Deaf-blindness	Hearing impairments	Visual impairments
State, Number, and Age of students served under IDEA, Part B				
Delaware - Number of children ages 3 through 5	2,616	13	33	12
Delaware - Number of students ages 6 through 21	20,580	47	201	66
U.S., Outlying Areas, and Freely Associated States - Number of children ages 3 through 5	773,595	187	8,525	2,628
U.S., Outlying Areas, and Freely Associated States - Number of students ages 6 through 21	6,130,637	1,306	64,812	24,428
Source: U.S. Department of Education, ED Facts Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2017-18. Data extracted as of July 11, 2018 from file specifications 002 and 089.				
Note: Additional collection information and data available at http://www2.ed.gov/programs/osepidea/618-data/index.html				
¹ Note: These data are a snapshot count collected by states in the fall of the identified school year.				
² The total may not equal the sum of the parts due to cell suppression.				

State-Funding Court Decisions by State

According to SchoolFunding.Info (formerly the National Education Access Network) Delaware was previously one of the few states to never have a school funding case involving equity or adequacy filed. To date, only Hawaii, Nevada, and Utah still hold that claim. On November 27, 2018, Vice Chancellor Laster denied Delaware's motion to dismiss the case, stating that the "Education Clause mandates that the General Assembly 'establish and maintain a general and efficient system of free public schools.' Counts I and II assert legally cognizable claims that the State has failed to satisfy its obligation for Disadvantaged Students. These issues are justiciable."²⁵ For additional information, Appendix D contains a map and links to school funding court case summaries from 1973 to 2019.

²³ See Appendix D for additional Part B child count charts.

²⁴ Per basic internet search for cost.

²⁵ Delaware case law defines "disadvantaged students" as children from low-income families, with disabilities, and whose first language is not English. See *Delawareans for Educ. Opportunity v. Carney*, No. 2018-0029-VCL, 2018 Del. Ch. LEXIS 330 (Ch. Oct. 5, 2018).

Recent Legislation

The following recent legislation has been introduced or passed and relates to various topics within the visually impaired community. This list is not exhaustive but serves as an illustration of recent federal and state legislative efforts. The legislation is federal unless otherwise indicated.

Alice Cogswell and Anne Sullivan Macy Act:²⁶ Most comprehensive special education legislation for sensory disability students to date; will expand resources available through the IDEA funding.

- Ensure specialized instruction for students who are blind, visually impaired, deafblind, deaf, or hard of hearing.
- Ensure all students who are blind, visually impaired, deafblind, deaf, or hard of hearing are accounted for, so the availability of services and resources is increased.
- Enhance accountability at all state and federal levels.
- Increase research into best practices for teaching and evaluating students with visual impairments.
- Establish the Anne Sullivan Macy Center on Visual Disability and Educational Excellence within the U.S. Department of Education.
 - To serve as a national resource to better support students with visual disabilities by connecting higher education, nonprofits, and other agencies to provide professional development, research, and technical support.

Transformation to Competitive Employment Act:²⁷ To promote competitive, integrated employment for individuals with disabilities by removing artificial barriers to opportunities for employment.

- Eliminating section 14(c) of the Fair Labor Standards Act.
 - 14(c) allows employers to pay subminimum wages for mundane tasks completed by workers with disabilities. Mundane tasks do not transfer into job skills needed for other employment options and reinforces misconceptions that individuals with disabilities are less capable, which creates an artificial barrier to employment.
 - Discontinuing the issuance of Special Wage Certificates to new applicants.
 - Department of Labor will create a technical assistance center to assist in the transition of 14(c) holders into competitive integrated employment.

²⁶ Re-introduced in the House and Senate on October 23, 2019, as H.R. 4822 and S. 2681 respectively.

²⁷ Introduced in the House as H.R. 873 on January 30, 2019 and in the Senate on January 29, 2019 as S. 260.

Access Technology Affordability Act:²⁸ To assist in making access technology for Americans who are blind more affordable by establishing a refundable tax credit for access technology not covered by medical insurance, in an aggregate amount of \$2,000 per individual in any consecutive 3-year taxable period.

- Most access technology ranges from \$1,000 to \$6,000.
- According to U.S. Census Bureau, 71% of Americans who are blind are underemployed and unemployed.
- Most Americans who are blind lack enough financial resources to purchase access technology items, leading to loss of employment, insufficient education, or isolation from community activities.
 - Reliant on public and private entities to purchase access technology for them.
 - Tax incentives historically offered to business owners to make accommodations, but underutilized.

Greater Accessibility and Independence through Nonvisual Access Technology Act:²⁹ To address advanced digital displays and interfaces, which create barriers for individuals who are blind; requires the Access Board (an independent federal agency and leading source of information on accessible design) to conduct a nonvisual access standard review.

- Nonvisual access is achievable.
- After review is complete, Access Board will enter a rulemaking period and ultimately develop a final standard, which the Food and Drug Administration and the Federal Trade Commission will enforce.

Nevada, Senate Bill 203:³⁰ Revises provisions governing programs for children who are blind, visually impaired, deaf, or hard of hearing.

- Provides for the establishment of evaluation criteria for the development of language and literacy skills regarding young children who are deaf, hard of hearing, blind, visually impaired or both deaf and blind.
 - Requires the Nevada Department of Education to develop parent/guardian resources for measuring the development of those skills for identified children.

²⁸ Introduced in the House as H.R. 2086 on April 4, 2019 and in the Senate on March 14, 2019 as S. 815.

²⁹ Introduced in the House as H.R. 3929 on July 24, 2019.

³⁰ Enacted June 12, 2019.

- Nevada Department of Education must publish an annual report concerning the development of such skills.

Kentucky, House Bill 392:³¹ Reorganizes multiple agencies, including merging Office for the Blind with Office of Vocational Rehabilitation to create the Blind Services Division.

Michigan

- **Executive Order 2012-10:**³² Establishes the new Bureau of Services for Blind Persons.
- **Executive Order 2019-13:**³³ Reorganizes multiple agencies, created the Department of Labor and Economic Opportunity, and places the Bureau of Services for Blind Persons within the new department.

Additional Information Provided by DVI

DVI's New Office Locations:

- DVI offers a variety of services in the community, consumer's homes, classrooms, and at DVI locations.
- DVI settling into new sites. Expanded from 2 to 4: now in Georgetown, Milford, Smyrna, and New Castle.
- Many consumers utilize Paratransit, DTI provides tickets for travel to DTI offices for appointments. For the majority, DVI works on appointment basis.
- DVI working with accessibility issues identified and working with O&M Unit director to evaluate locations.
- DVI working with DelDOT in assessing accessibility issues and requesting Audible Pedestrian Signals (APS) where needed, possibly offering flexible bus routes, contacting towns/municipalities who can assist with sidewalks and other barriers.
- DVI is trying to minimize disruptions and anticipates the move will offer more options for consumers.
- Move is complicated but allows DVI to save money on rent, State shift to State owned buildings, DVI's previous rent was not stable and fluctuated, was high.
- Move allows DVI to be in State owned buildings, exception is Milford, but sharing space with DSAAPD, who pays rent, they will work out agreement, still large savings will go back into their programs.

³¹ Enacted March 26, 2019.

³² Enacted October 1, 2012.

³³ Enacted June 7, 2019.

- The move allows for more sites to meet with consumers and in most cases can bring assistive technology devices to a satellite office or person's home.

DVI Filled and Vacant Positions:³⁴

- As of November 18, 2019, Sandra Miller became the acting director for DVI, she previously served as the agency's deputy director.³⁵
- As of December 30, 2019:
 - Casual Seasonal Positions: 4 (4 filled, 0 vacant).
 - Full Time Positions: 71 (58 filled, 13 vacant).
 - Vacancies:
 - 2 Admin Specialists (1 anticipated to fill in January 2020)
 - 1 Sr. Accountant (anticipated to fill in January 2020)
 - 2 Trainer/Educator II (1 anticipated to fill in January 2020)
 - 1 Orientation & Mobility (have 1 c/s O&M Specialist)
 - 1 Supply Storage & Distribution Tech I (anticipated to fill in January 2020)
 - 1 Visually Impaired Business Service Specialist II
 - 4 Teacher of the Visually Impaired
 - 1 Deputy Director

THIS SPACE INTENTIONALLY LEFT BLANK

³⁴ This information was added to the report after the meeting 6 final report review & discussion.

³⁵ The Task Force's primary task was to discuss the 28 Recommendations and did not discuss the previous director's departure.

DVI Customer Satisfaction Surveys³⁶

Historically, DVI provided traditional mechanisms for customers to provide feedback; either in-person or on the phone. To increase the response rate and streamline the data analysis process, DVI began using Survey Monkey during 2017.

To further identify areas of success and improvement, in 2018, DVI dedicated a team to this project and the survey committee was formed. The survey committee is comprised of leadership team members. For reference, the leadership team is comprised of the management staff of each unit within DVI as well as other senior staff members.

The survey committee is tasked with setting desired benchmarks and overall survey monitoring to identify system integration issues between computer software and Survey Monkey. The survey committee reviews all data and comments received to ensure survey questions are appropriate for each unit, adjusting, as necessary.

The overall goal is to ensure that the survey data provides an accurate representation of each unit in order to make accurate program improvements. The survey committee meets monthly with the full leadership team to discuss survey data and feedback to ensure overall quality control of the agency and to discuss areas of improvement.

The customer satisfaction survey process and survey committee are a constant work in progress. DVI reports that they have experienced positive changes since implementing the survey process and are confident that their agency has improved since last year because of the survey process. DVI reports that they remain focused on continuing these efforts and making additional improvements in their data collection system in 2020 in order to make improvements and see future successes agency wide.

The following summary and chart are directly from Survey Monkey data. DVI offers 5 different units of service, which are represented in the data. The survey is offered to all program participants of the 5 units. Program participants are invited to complete the survey online or over the phone. All education surveys have been completed by parents except for one occasion where a student and a parent completed surveys. There was no customer service data received for any program unit in the month of June 2019.

³⁶ This section was expanded to include additional information to explain the history of the DVI Customer Satisfaction Surveys, as well as the weighted data from Survey Monkey. Additional information from Survey Monkey is provided in Appendix D which include full survey questions and responses. The chart on the following page was added to the report after the meeting 6 final report review & discussion. The data on the following page differ from the Task Force reviewed report. The weighted data changed the scores for the overall customer satisfaction survey average and each individual unit average. In the prior draft of this report, the JLOSC Analyst calculated the overall customer satisfaction survey average based on unweighted data as 86.8%, education 85%, VR 73%, ILS 84%, O&M 93%, and Tech 99%. The weighted data from Survey Monkey was obtained after meeting 6 and provides a better representation. Weighted data is a rebalancing technique in order to provide a more accurate picture, which is important when using data with variances in the number of responses received. The weighted data calculations came directly from Survey Monkey. The following chart shows the total number of responses obtained for each unit's survey. That number is divided by the total number of survey responses received to provide the weight, in the chart this is identified as "% of Responses." The unweighted satisfaction rate was tallied from satisfied and highly satisfied responses to a specific survey question, identified on the next page. The net weighted satisfaction rate was determined by multiplying the "% of responses" and the "unweighted satisfaction rate."

DVI Customer Satisfaction Survey Results from Survey Monkey				
Unit	Number of Responses	% of Responses (Total = 360)	Unweighted Satisfaction Rate (satisfied/highly satisfied)	Net Weighted Satisfaction Rate (satisfied/highly satisfied)
Education	60	0.166666667	83%	0.138333333
VR	152	0.422222222	79%	0.333555556
ILS	84	0.233333333	83%	0.193666667
O&M	40	0.111111111	89%	0.098888889
Tech	24	0.066666667	96%	0.064
Total	360	1	430%	82.84444444
	Total Number of Responses: 360	Total % of Responses: 1	Unweighted Average Satisfaction Rate: 86%	Net Weighted Satisfaction Rate: 82.84444
360 total responses				
Net Weighted Satisfaction Rate: 82.84%				

- **Overall Satisfaction Rating: 82.84%³⁷**
 - **Education: 83%**
 - Data collected from January 2019 through October 2019.
 - Data collected from survey question number 11 from answer choices indicating “excellent” and “good” service.
 - **VR (Vocational Rehabilitation): 79%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 2 from answer choices indicating “highly satisfied” and “satisfied” with the quality of service.
 - **ILS (Independent Living Services): 83%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 9 from answer choices indicating “excellent” and “good” service.
 - **O&M (Orientation & Mobility): 89%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 5 from answer choices indicating “strongly agree” and “agree” regarding service satisfaction.
 - **Tech (Assistive Technology): 96%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 4 from answer choices indicating “very satisfied” and “satisfied” with effectiveness of service.

³⁷ Complete surveys which include the following survey questions can be found in Appendix D.

DVI Performance Measures, Number of Customers Served in Fiscal Year 2019³⁸

To add context to the customer satisfaction survey data the JLOSC Analyst obtained the DVI performance measures for fiscal year 2019, which show the number of customers served by the agency. The total number of customers served by all 5 units of the agency for fiscal year 2019 was 1,173.

Visually Impaired Services	
Performance Measure Name	Fiscal Year 2019
	Actual
# of customers served by education program (birth-21)	274
# of customers served by Vocational Rehabilitation	282
# of customers served by independent living services and older blind programs	391
# of customers served by orientaion & mobility programs	128
# of customers served by assistive technology programs	98
# of registry participants*	3474

*The number of registry participants represents the number of individuals who have contacted DVI and meet the qualifications of being blind or visually impaired. These registered individuals may not necessarily receive services from DVI but maintaining a list of eligible registry participants allows DVI to share their information with other organizations and agencies such as the Division of Aging, BlindSight, and Library of Congress so that they can receive additional services.

The blind and visually impaired population is larger than the registered participant number (as evident by looking at U.S. Census Records) and will continue to grow, especially within the elderly population and among populations with certain medical conditions such as diabetes. DVI maintains outreach initiatives to try and reach this growing unregistered population so that services and assistance can be provided across various agencies and organizations.

³⁸ This information was added to the report after the meeting 6 final report review & discussion to provide a reference point for customer service survey data. Due to time constraints in adding this information to the final report, the analyst did not request the numbers for other fiscal years since fiscal year 2019 covered the time period of July 1, 2018 through June 30, 2019 which was a large portion of the survey data collection period. Survey data referenced in this report was collected from September 2018 through October 2019 except for the education unit, survey data was collected from January 1, 2019 through October 2019.

APPENDIX A TASK FORCE MEETING WORKSHEETS RAW DATA

Meeting #2 – DVI Agency-Specific Worksheet

Instructions:

Please complete and return to Amanda.McAtee@delaware.gov on or by Wednesday, September 4, 2019. Thank you in advance for your time and participation. The public may submit this form as public comment.

There are three options for each recommendation.

On a computer, you can choose your selection by using the mouse to right click on the square and then choose the shape fill tool to fill in the square with a color of your choice.

Additional information is appreciated if choosing option one or three:

- If choosing option one “JLOSC should not consider” please include supporting information in the space provided in a bulleted format.
- Option two “JLOSC should consider with no modifications” does not require any additional information.
- If choosing option three “JLOSC should consider with modifications” please include the modified recommendation and supporting information in a bulleted format in the space provided.

Save your document in word or PDF format and email to Amanda.McAtee@delaware.gov on or by September 4, 2019.

Alternatively you may reach Amanda by phone at (302) 744-4114 to share information and responses.

Example: Rec. 0000 – Ordering Pens:

One person should be in charge of ordering pens with black ink once a quarter.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

One person should be in charge of ordering pens with blue and black ink once a quarter.

- Blue ink is typically used for document signing, since blue ink makes it easier to assume the document is a signed original.

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 18 – Increase Braille Resources:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- The numbers are not an accurate representation of current openings. DVI has 4 in the Education Unit, 1 in O&M, and 1 in VR.
- There is a national shortage of Teachers for the Visually Impaired and DVI has done an excellent job of closing the gap between the statutory teacher to student ratio and the recommended ratio.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- DVI meets all of the REQUIRED staff certifications. Requiring additional certifications would be contrary to the state job descriptions.
- The associations mentioned in this recommendation are not the only certifying or accrediting bodies. DVI exceeds the expectations of this recommendation by employing several staff with certifications in all of the units.

Rec. 18 – Increase Braille Resources:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- All consumers are thoroughly assessed. The assessment tools include questions regarding whether or not the individuals want to learn Braille.
- For children: Braille learning decisions are based on school assessments, parent input, and IEP team recommendations. When Braille is part of a child's IEP, Teachers for the Visually Impaired teach Braille Literacy.
- For adults: If consumers choose to learn Braille, DVI offers multiple resources including 1:1 training by Certified Vision Rehabilitation Specialists, Hadley, and the Library of Congress.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search **and procure** funding and grants for assistive technology to aid the DVI consumers.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

- DVI can actively SEARCH for funding/grants for assistive technology but **PROCURING** is never a guarantee and should not be part of the recommendation.
- Assistive Technology is very broad and should be defined as lower or higher end products. A hand-held magnifier is a lower end example and laptop with JAWS would be considered higher end.

- Children in school receive the technology required because they are entitled.
- VR participants are provided the necessary technologies to perform their jobs independently.
- There is a gap in purchasing higher end equipment for older Delawareans with low vision or who have lost their vision.
- DVI regularly reviews the Federal Register for opportunities and will continue to look for government and private funds. Please bear in mind that private funds often require applicants to be 501(c)(3) organizations; there are fewer opportunities for government agencies.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- This recommendation is redundant with Rec.17.

Rec. 21 – Equip Rapid Ready Rooms:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- The highlighted part is redundant with Rec. 19 and should not be included with the recommendation.
- The rapid ready rooms were designed to quickly offer AT solutions. Due to quickly changing technology, rapid ready room products required constant upgrading or sat unused.

- In order to avoid wasteful purchasing of equipment, DVI enacted drastic changes to the equipment purchasing practices. These changes have resulted in a much quicker turnaround for equipment procurement.
- Technology is ordered according to individual needs and the DVI technology centers lends equipment as needed.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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**.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in **special education**.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

- The words special education should be changed to visually impairments.
- DVI already partners with multiple schools and universities to recruit qualified candidate.
- DVI would appreciate assistance convincing local universities to add masters level programs that meet the needs of the specialized positions.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- O&M consumers are trained to navigate throughout the community without GPS because it is not always available. What happens if there is no signal on their phone?
- **ALL** consumers are provided the choice of using GPS to navigate in addition to traditional training. It is, and should remain, an individual choice.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- There have been so many groups and task forces that I am very unclear which one this recommendation references.
- I can report that DVI has been working diligently to achieve all the goals on the **Strategic Plan to Improve Educational Services for Students who are Blind and Visually Impaired**, which was included with the original report.

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

Most TVIs nationally do not hold the NCUEB certification. More for formatting.

All TVIs must demonstrate for competency in UEB.

Rec. 18 – Increase Braille Resources:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

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.

b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 18 – Increase Braille Resources:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

It appears that DVI is currently providing braille training to consumers in a variety of formats. Maybe they should include data and on metrics from consumers to determine if they need and or desire additional training. If so the consumers should be specific to address their concerns. VR is about consumer choice.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Again, a survey or primary data should be collected to determine if this is a primary concern for consumers. Not every consumer want to learn technology when it comes to O & M training.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Meeting #2 – DVI Agency-Specific Worksheet

Save your document in word or PDF format and email to

Amanda.McAtee@delaware.gov on or by **September 4, 2019**.

Alternatively you may reach Amanda by phone at (302) 744-4114 to share information and responses.

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

DVI has a particularly high personnel turnover rate that should not be ignored in terms of cause and effect. The turnover has degraded the organizational culture and spilled over into how the agency sees the community it serves and how the community sees it. Years of personnel instability among other factors have shaped the public's lack of confidence in DVI. JLOSC should direct immediate organizational culture and performance assessment and developmental training prior to any further hiring.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

Certifications should be required across the board in VR, O&M, AT and TVI. Consumers must have exceptionally qualified services. 58

Rec. 18 – Increase Braille Resources:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI should have certified Braille instructors for adult/newly visually impaired consumers. Braille reading must move from paper format to electronic/digital applications. Braille resources should be geared towards refreshable Braille displays and other accessibility devices. DVI must have a shift in its operational practices to state of the art technology and certified instruction within the organization.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

JLOSC shall ensure that technology funding requirements are secured in the governor's budget. DVI shall research technology accessibility innovations/trends and procure those new and advanced tools to make available to consumers.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

DVI shall have certified technology staff as well as teacher staff on products used by consumers. The supervisor of technology staff shall have AT certifications on multiple devices and shall be required to proficiently instruct other staff as well as consumers.

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

DVI should align with colleges to develop degree/certification/recertification programming for blind and visually impaired instruction in multiple areas including, but not limited to VR,

education, assistive technology, braille transcription, and O&M, in order to develop and maintain professional expertise within the state. 60

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

DVI shall employ GPS technology as well as other navigational aids including cane and robotic devices. DVI shall procure state of the art navigational aids and obtain instructional certifications in the same. DVI shall not limit consumers, but rather research and procure innovative tools that will advance independence for consumers who are blind.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

JLOSC shall draft and sponsor the legislation required to implement task force recommendations.

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC SHOULD NOT CONSIDER

It seems this is a basic function of any and every state agency. At any given time there will be vacancies that need to be filled. Are these particular needs accurate as of this questionnaire. After all Does the legislature need to be involved in filling all vacancies throughout the state?

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & Education Professionals) 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”).

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with modifications

I’m not sure of the need for such certifications. Are these certificates relevant to providing service? What are these certificates and are they required for employment in these positions? (“ACVREP” seems to be the desired certification since its focus is visual impairment.

Rec. 18 – Increase Braille Resources:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should not consider

What is the need for braille resources? What are braille resources? Who wants braille resources, most people I know don't even want braille. It is certainly not my preferred means of communication. It has its place but I think it is one of many tools to be used in concert.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with modifications

This sounds like a great Idea! Will this require a new position at DVI? Is the JLOSC going to support funding for a new position? Why doesn't the JLOSC support appropriating funds for this purpose? Many other states provide technology for their citizens.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

should consider with modifications,
RESNA doesn't seem to have
much for visual impairment professionals. So perhaps a different
organization. No matter what it is going to be an expense, where does that
money come from?

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with modifications

This sounds like a good idea in theory. What equipment should be purchased? How much should be purchased? Will this increase the equipment budget, and if so is the JLOSC SUPPORTING AN INCREASE OF FUNDING?

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

It is my belief that DVI is making every effort to fill their vacancies.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

I think GPS can be a useful tool, however I see it as technology. O&M should be teaching and strengthening these skills. Not everyone has or wants GPS. I think this is more a technology related issue.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should not consider

Hasn't this already been resolved by the education task force?

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI has worked, without successful outcomes, to fill these vacancies. In addition to the agency continuing to work to fill vacancies, DHSS should assist the agency to conduct benchmarking on salaries, loan forgiveness, continuing education, and other incentives which are used in surrounding states to ensure the highest level of competitiveness. Without some different and more creative mechanisms to address the situation, the vacancies will remain.

Additionally, there should be an independent consultant used to understand DVI's culture, leadership model. Work environment and other circumstances in an effort to gain knowledge on DVI's lackluster retention rate.

Lastly, DVI should be required to have a member of HR and a member of the advocate public at these interviews for vacancies to ensure compliance with laws and transparency in hiring. For example, as a member of the interview team for the DVI principal, it was very apparent that there was a conflict of interest in the hiring process. One of the interview panelist was the current supervisor of one of the interview candidates. The panelist did not recuse herself from interviewing or voting and should have only been an observer. Further to this, the original position was downgraded from principal to state wide education coordinator. This was not the original position or intent, but I am sure that HR rules were not followed and nepotism was very apparent.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

While this is a good start to understand the need for professional certifications of DVI staff, this should be all inclusive of the various functions within DVI. This should also include certifications for TVI and requirements surrounding education. Moreover, there should be a contractual obligation placed on individuals who are supported financially by the agency to obtain these certifications, in an effort to support retention and not allowing these individuals to obtain professional certifications and the associated support and then leave the organization. And while it is an excellent effort to gain these certifications, there should also be an examination of performance standards and job descriptions. For example, if an assistive technology certification is gained but the individual does not see students to leverage this certification, then it is useless in supporting the consumer.

Rec. 18 – Increase Braille Resources:

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.

68

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

This goal is neither specific nor measureable. Therefore, it is ineffective before any work is done. Moreover, with the advances in technology, there are many other ways to achieve the larger goal other than increasing braille certification and reading. There needs to an examination as to what the end goal is prior to offering a solution. As written this is solution based and not a true understanding of the root cause nor the underlying issue.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI has epically failed in this area for at least a decade. While there have been various people assigned to this task, none have been qualified nor possessed the experience or training to write successful grants. There is still no qualified DVI staff person assigned to this task. Therefore, this action would be ineffective until the right person with clear performance standards and support is placed in this role.

But it is important to do this work in order for DVI to realize funding from alternate work streams to support consumers, as has been noted through feedback from town hall meetings and councils.

69

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

This recommendation is also neither specific nor measureable. And while training and certifications are important, what is the expectation past obtaining such. Without tying this into performance standards and job expectations, coupled with engagement with consumers, recertification, financial support, and continuous improvement, expectations will continue to be unmet.

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

There is not a DVI resource qualified to do this activity, as illustrated by the lack of coordination and corporate engagement. As with many grants, a 501(c) 3 is required and to my knowledge, DVI does not possess one. Therefore, DVI should partner with a fiscal intermediary such as BlindSight Delaware or the National Federation for the Blind to collaborate for these opportunities. Regardless, a trained and experienced DVI staff person who is well equipped for community engagement is required.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.

b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

71

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

b. Explore offering paid internship programs to encourage students to pursue degrees and certifications in special education.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Incorporating GPS technology into O&M is a myopic look at the breadth and depth required for a successful O&M program. The DVI O&M program should be evaluated and benchmarked against some of the leading programs in the nation such as Maryland School for the Blind and Perkins School for the Blind. In this way, DVI can incorporate industry best practices into their work and raise the bar on O&M and provide more comprehensive and relevant offerings.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

DVI could provide incentives to help increase staff certifications

Rec. 18 – Increase Braille Resources:

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

DVI should explore hiring a certified braille instructor and offer in person-live courses to DVI consumers.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

People who are in the offices that work with the AT are not certified, would like to see them certified in Apple, Jaws for Windows, and to keep up with modern technology.

They are using old equipment, consumers are receiving training from other resources such as Apple.

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Also staff rapid ready rooms with an instructor, currently rapid ready rooms do not have any DVI staff. Instructors should be certified or at least trained in Apple, Jaws for Windows, and to keep up with modern technology.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Guide dog schools are training their students with GPS technology and their dog.

At least 2 sessions per week O&M instruction, each session at least 1 hour in length, after the evaluation is done

Use modern technology available such as Siri and should assist client in securing device, if they don't already have one

O&M instructors should be trained in using modern technology advances in the field of O&M

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 18 – Increase Braille Resources:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 19 – Funding and Grants for Assistive Technology:

77

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Responses from Jillian Queen, Chair, Council on the Blind

79

Rec. 16 – Fill Agency Vacancies:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Focus should be placed on training in the areas of service to the blind and visually impaired. Programs in this area may or may not lead to certification. Certification may be or not be National Certification, but rather in the area(s) of service required.

- National Certification from AER, NCUEB, nor RESNA is not recognized universally, although DOE will allow for salary increases upon completion.
- National Certification in these areas is not a requirement through Delaware Department of Education.
- AER, RESNA, and NCUEB entities serve as a testing resource, not programs for training.

There are other sources that are more readily available to appropriately train DVI staff.

- CNIB, UEBOnline.org, Library of Congress, Hadley School for the Blind-Professional Studies, and Texas School for the Blind (TSBVI)-Professional. Some of these programs offer certifications as a culmination of their training programs.

(1) Specifically, the most Nationally recognized Braille Transcribing Program is through the Library of Congress, National Library Services. It is a thorough course of study for teachers of braille. The extensive knowledge of the braille code necessarily for braille instruction are taught. In addition, students are kept informed about changes in the braille code.

Rec. 18 – Increase Braille Resources:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

This appears to be a mandate for DVI to assist consumers by informing them of opportunities for braille reading and introductory courses to braille. There may be confusion mentioning courses for certification in this area.

- Hadley Student Courses mentioned. There is also Texas School for the Blind (TSBVI), Perkins, National Braille Press, Lighthouse for the Blind, and many other fine resources, which have courses and informative material that could be resources for consumers.
- Reference to the National Federation for the Blind braille course should be removed or incorporated in a mandate for DVI staff. The Library of Congress certification through NFB is appropriate for braille teachers and transcribers (see response to Rec. 17).

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Specifically request that any such instruction should be with, preferably, a blind trainer, or someone with extensive training working with blind and visually impaired individuals.

- It has come to my attention that while assistive technology trainers are knowledgeable about the technology and devices, they are not knowledgeable with regard to the specifics of the accessibility features available within the devices to appropriately train staff so that they may instruct visually impaired and blind consumers.

Rec. 21 – Equip Rapid Ready Rooms:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

82

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

In addition to the existing O&M Program instruction, DVI shall also incorporate the use of GPS technology in their Orientation and Mobility program when appropriate.

- The incorporation of instrumentation, technology, and other instructional processes should be left to the educational team.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI may need guidance in the implementation of the recommendations of the Task Force.

- A resource for DVI staff needs to be established so that questions can be addressed expediently.
- An overseer should be considered to verify and maintain the forward motion of the compliance to the recommendations.
- Further, non-compliance actions should be considered and exacted within the documentation.

...DVI shall implement the task force recommendations by [date].

- A required due date of progress steps completion should be stated.

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Increase TVI & O&M salaries to attract qualified individuals

Place education services for VI students under the supervision of DOE where additional oversight & resources are available

Remove education services from DHSS and place within a qualified education department or LEA

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Establish certification requirements along with deadlines.

Measurable goals beginning, middle, and completion dates.

Create incentive program to increase staff participation.

Rec. 18 – Increase Braille Resources:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

VI Delawareans require individual braille instruction to learn how to track properly and read with 2 hands. How to place the reading finger for maximum reading. Learn the difference between a braille writer and slate and stylus... The letters are written backwards on a slate and stylus because they are written from the back of the paper... from right to left

Learning by mail is not acceptable

Why would we educate students differently from adults learning braille?

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Establish guidelines and measurable goals with oversight to enforce compliance

Utilize train the trainer model

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI shall replace equipment within a specified time period

DVI shall pay all equipment within 60 days

DVI shall utilize other subject matter experts related to technology training.

DVI shall establish additional outside resources for rapid ready training for employment ready customers beyond Microsoft and Apple.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Explore other means of recruitment and develop a recruitment plan and modify quarterly if necessary.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Include android and IOS apps including Siri, Alexis, Cortera, etc.

Research and Provide a list of resources for navigation and orientation to communities. (visual and audible maps)

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Establish penalties when goals are not accomplished

Oversight, Oversight, Oversight...

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- Vacancies fluctuate as with any agency. DVI actively recruits for all vacancies.
- Currently there are four teacher openings(due to a lack of qualified candidates these positions have remained vacant since being transferred to DVI in 2016); 1 Orientation and Mobility opening(due to a lack of qualified candidates these positions have remained vacant since being transferred to DVI in 2016); 1 Employment Service Specialist (vacated 8/30/19); 1Trainer/Educator II - Technology(vacated 8/30/19); and in the hiring process for a 1 Supply Distribution Clerk(vacated 7/4/19) and 1 Social Service Senior Administrator
- Vision Rehabilitation Professionals and Teachers for the Visually Impaired are low-incidence specialized positions that traditionally experience a personnel shortage nationally.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- With the exception of the Teachers for the Visually Impaired and Orientation and Mobility Specialists, DVI’s positions are a part of the State of Delaware’s Merit Classification system.
- Due to the classifications of the Assistive Technology (CATIS- Assistive Technology certification for the visually impaired) and Vision Rehabilitation Therapist (Independent Living) in the state’s generic Trainer/Educator Career Ladder, it is not a job requirement for the

employees to hold a Bachelor's Degree, graduate degree or to obtain credentials through ACVREP. Thus without a degree, the individuals have limited options towards certification. However, DVI uses the core competencies, professional development, and attendance at Assistive Technology/vision rehabilitation conferences to train its team. CATIS is specific to the visually impaired. DVI has 8 staff certified through ACVREP (6 Certified Orientation & Mobility Specialists and 2 Certified Vision Rehabilitation Therapists) DVI has worked with HR to develop promotional standards to encourage certification, which is the level III and requires certification.

- UEB proficiency is included in the personnel preparation programs. Teachers of the Visually Impaired complete a Braille Proficiency Exam to be credentialed. The transcriptionist in the Men with a Message program have their Letter of Proficiency in UEB. DVI annually obtains UEB professional development for the teachers.
- Additional resources would be needed in order to account for the increased personnel costs and professional development.

Rec. 18 – Increase Braille Resources:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- Braille instruction is consumer driven for adults and provided according to the IEP for students.
- DVI provides 1:1 instruction with resources such as Hadley, Perkins, and other tools to supplement the curriculum; DVI also hosts a Braille Club on a monthly basis.
- Currently there are 12 adults actively learning braille.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Suggested Revision: DVI shall actively seek resources from various sources for assistive technology to aid DVI consumers.

- DVI seeks to collaborate with community organizations that have an expanded opportunity to grants that are often not available to state/government agencies.
- The Federal Register and local grant opportunities are reviewed on a monthly basis.
- Education is an entitlement, which requires AT needs of students to be met.
- Vocational Rehabilitation is an eligibility program focused on reducing barriers to employment- AT is provided based on the needs of the individual related to their disability and their vocational goal.
- DVI also provides consumers with resources to acquire low-cost AT solutions such as Computers for The Blind (\$150)
- Low-end technology is provided to the elderly; higher-end technology is a need for many DVI consumers not connected to Education or VR; the agency works to repurpose or loan equipment when possible or collaborate with community resources to obtain technology, when available.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☒ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

- DVI historically and currently provides access to AT professional development from a variety of sources.

Rec. 21 – Equip Rapid Ready Rooms:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- With technology rapidly changing, the rapid ready program limitations include: “guessing” what will be needed for employment or training programs; thus items become discontinued or new versions are released resulting in an overstock of items that are not used
- There are program specific restrictions by federal grants that limit the repurposing of the equipment that remains overstocked in inventory.
- DVI’s Assistive Technology Centers are equipped with various technologies for demonstration. DVI assists with loaning equipment or providing trial versions of software. Since Rapid Ready was piloted in 2012, DVI has streamlined its procedures to reduce the time it takes to order and receive equipment.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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 **Vision Rehabilitation and Teachers of the Visually Impaired.**
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in **Vision Rehabilitation and Teachers of the Visually Impaired.**

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

- Please see the above revisions as suggestions for modifications.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- There are several tools available for orientation and mobility/safe travel. GPS is one of many that DVI incorporates into training depending on the needs of the individual. Outside of basic cane techniques, it is an individual's choice to select technology, if any, that best meets their needs. Focusing on a "Device" rather than a technique is challenging if the "device" malfunctions or is unavailable.
- DVI's O+M team participates annually in profession specific summits/roundtable/ professional development regarding best practices in the field, including technology.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

- DVI and DOE both have responsibilities regarding the prior Task Force.
- The Taskforce Recommendations were used as the basis for the Strategic Plan for Education. DVI and DOE share responsibility in five core areas (curriculum, instruction/literacy; pre-service/in-service; family engagement/systems and assistive technology)
<https://www.dhss.delaware.gov/dhss/dvi/files/dvi-report-2016.pdf> This was developed by the majority of the same stakeholders.

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

I not feel that the O&M unit needs any more staff upstate and IF they were to hire more staff, help is needed downstate only, presently

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

The statement that ONLY 5 DVI employees hold ACVEPS certs is wrong. There are 6 that have and ONLY 6 of us need to have ACVREP certs b/c this cert is for O&M'ers only. All 6 of us have.

Rec. 18 – Increase Braille Resources:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

I would like to know more specifically what this statement means --- As far as I know all of us are teaching it and it's highly individualized depending on what the student wants, or what the student prefers to use. The majority of my students prefer to use GPS on his/her phones.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

I feel that DVI should implement the task force recommendations that are needed and are accurate. I think if there are questions, perhaps task force members come out to observe staff, or ask specific employees about his/her specific jobs

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

This is misleading. Teachers of the visually impaired are not certified the same way, so they would not receive ACVREP certification. All 6 O&M instructors at DVI have ACVREP certification. One teacher of the visually impaired holds ACVREP certification for O&M. Two ILS employees hold CVRT certifications. These can be verified on the ACVREP website. Some of these individuals will be listed under a PA certification based on residence.

Rec. 18 – Increase Braille Resources:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

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.

b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Special education is not necessarily the only/ best field leading to a job in assistive tech, O&M, voc rehab, or ILS.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

O&M goals should be based on individual client need, interest, and skills. If a client is unsafe crossing streets or traveling in the community, GPS may not be the best option at that time.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

The State of Delaware must enact legislation to enable DVI to hire and retain qualified professionals. The agency has attempted to recruit people and they are unable to find certified individuals that can provide instruction. The agency is competing nationally for experts without sufficient tools and financial incentives to attract them. Student loan forgiveness, utilization of national recruitment firms, relocation expenses, retention bonuses, transportation subsidies for individuals who are visually impaired and are Certified TVIs (see Boston's contract with UBER), are all viable recruitment options, but the agency is not financially capable of engaging in such activities. Recommendation: JLOSC recommends draft legislation to provide hiring and retention incentives to certified TVIs and Certified Orientation and Mobility Specialists. The legislation shall include funding for DVI to retain an outside recruitment vendor/company. In addition, DHSS shall retain an outside consultant to evaluate any culture, compensation, and supervision issues that may impact retention and recruitment.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

This recommendation relates to recruitment and retention. The larger issue here relates to the extent to which DVI and the state of Delaware offers recruitment and retention incentives to attract highly qualified candidates. If the state of Delaware did not require such certifications upon hire, and there are no mechanisms through which DVI may require such certifications post hire, the recommendation is not useful. Alternative recommendation: JLOSC will introduce legislation that facilitates recruitment of the highly qualified individuals. DHSS shall also require its human resources professionals and directors to redraft all position descriptions related to TVIs, Assistive Technology educators, O&Ms, and other professionals providing direct services to individuals with visual impairments and their families to include appropriate certifications at the time or within six months from hire (unless the certification is required to provide direct service). If DVI or the state of Delaware subsidizes the education needed to obtain the certification, the individual must repay the money (prorated) or agree to perform their job duties for at least as long as the time they spent in the certification program.

Rec. 18 – Increase Braille Resources:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

The recommendation should be expanded to ensure that individuals (consumers) gain effective access to information, using all available media. Education and training using the latest technology and affording adults and students access to appropriate technology is the key to independence. Recommendation: DVI shall employ or contract with qualified vendors or individuals with expertise in accessibility and assistive technology who will provide group and individualized training to ALL members of the community (not just persons with open VR cases). DVI shall offer non credit and community accessible local courses and training, in collaboration with all of Delaware's colleges and universities, to empower individuals with visual impairments to utilize effectively all modes of technology. JLOSC will enact standards for implementation of this recommendation and employ a monitor to provide oversight.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

The State of Delaware shall fund, through appropriate budgeting, programs designed to provide access to and ownership of AT, to individuals with visual impairments. This funding shall be utilized to sustain training, education, and tools necessary to gain effective access to information and the environment.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI shall obtain funding and support from the state's budget to ensure that individuals with demonstrated competence in analyzing the needs of consumers with visual impairments, assisting in the selection of appropriate assistive technology to meet the consumers' needs, and providing ongoing education and training in the use of the selected devices, are employed by or contracted with the state to empower individuals to utilize technology in a functional and meaningful manner.

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

State appropriations shall be designated to support procurement of assistive technology, APPs, and other devices and tools necessary to support independent and functional community engagement.

Rec. 23 – Recruitment (staff):

103

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Please see the previous recommendations listed in answers 1 and 2.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Orientation and mobility specialists must demonstrate knowledge and understanding of a multitude of competencies in O&M, including but not limited to assistive technology, low vision tools, and modalities designed to enhance independent movement and orientation. O&M specialists working with children should obtain or upon hire possess special education or related educational degrees or certifications to ensure the safety and effective learning of students.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

The State of Delaware, through DHSS, DOE, or another independent agency, shall hire an independent monitor to ensure that all 2015 Task Force recommendations are implemented, audited, and monitored.

Meeting #2 – DVI Agency-Specific Worksheet**Rec. 16 – Fill Agency Vacancies:**

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 18 – Increase Braille Resources:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Responses from Survey Monkey user #5 Jim Shiber

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Should consider the need to fill open vacancies if they do exist but discuss the need with current staff to determine the true need.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

There are at least 6 ACVREP O&M Certified (COMS) staff and several more in the ILS unit.

Rec. 18 – Increase Braille Resources:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

DVI Consumers are offered braille instruction as a basic matter of routine. Anyone who is interested can take advantage of braille instruction.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 21 – Equip Rapid Ready Rooms:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI O&M Unit has incorporated GPS technology in the O&M program for years.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Some of the recommendations were based on inaccurate and or false information.

Responses from Terry Smith, Director, Randolph-Sheppard Training & Technical Assistance, National Association of Blind Merchants

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Regulations shall include provisions related to all of the following:

- a. Participant Eligibility**
- b. Licensing**
- c. Training**
- d. Promotions and Transfers**
- e. Reporting Requirements**
- f. Set Aside**
- g. Fiscal Control**
- h. Elected Committee of Blind Vendors**
- i. Enforcement of production quality standards as stated under § 7929, Title 2**
- j. Implementation of the statutory priority to establish vending facilities on public property**

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

This can be better addressed in the regulations. I'm not sure DVI has the authority to mandate anything when it comes to the Committee's by-laws. These are the Committee's by-laws and not DVI's. DVI can encourage or, with the active participation of the Committee, incorporate such requirements into the regulations.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

No response

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

This would constitute a major administrative decision and, therefore, requires the active participation of the Committee of Blind Vendors. Should insert the words, “With the active participation of the Committee of Blind Vendors,” at the beginning of the sentence.

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

I would think the goal is to get the vendors off of the state payroll system but still allow them to participate in the state retirement system if they choose. It doesn't seem that either option presented allows this.

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 15 – Strengthen Business Programs:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Meeting #3 – Business Enterprise Program (BEP) Worksheet₆

Instructions: Responses from Darlene Cole

Please complete and return your saved word or PDF document to Amanda.McAtee@delaware.gov on or by Wednesday, September 25, 2019. Alternatively you may reach Amanda by phone at (302) 744-4114 to share information and responses.

You may also complete this worksheet online at: <https://www.surveymonkey.com/r/6SGMDWR>

Thank you in advance for your time and participation. The public may submit this form or use the Survey Monkey link as public comment. If desired, the Survey Monkey option can be completed anonymously.

There are three options for each recommendation.

On a computer, you can choose your selection by using the mouse to right click on the square and then choose the shape fill tool to fill in the square with a color of your choice.

If choosing option three “JLOSC should consider with modifications” please include the modified recommendation and supporting information in a bulleted format in the space provided.

Example: Rec. 0000 – Ordering Pens:

One person should be in charge of ordering pens with black ink once a quarter.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

Modify recommendation to state:

One person should be in charge of ordering pens with blue and black ink once a quarter.

- Blue ink is typically used for document signing, since blue ink makes it easier to assume the document is a signed original.

Rec. 7 – Business Enterprise Program (BEP) Regulations:

117

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ JLOSC should not consider

☐ JLOSC should consider with no modifications

☒ JLOSC should consider with modifications

With the following recommendations:

- 1. Fiscal controls-an annual fiscal audit from an outside source
- 2. Request for subject matter experts with writing regulations for best practices, to insure compliance with state and federal (Randolph Shepherd Act)
- 3. Changes in regulations should be publicized for public comment

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ JLOSC should not consider

☐ JLOSC should consider with no modifications

☒ JLOSC should consider with modifications

- 1. Revision of by-laws to include term limits of Officers
- 2. If the decision making process (set aside money, site accommodations) affects an officer directly, then he/she should excuse himself.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 118

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

- .
 1. DVI must accept responsibility for exploring/expanding training opportunities, through the RFP's process
 2. Training should be mandatory for all blind vendors through the National Association of Blind Vendors, and/or RSVB (ACB) Sage Brush
 3. BEP annual report should be included in the State Use Law committee report that is used to provide a snapshot to the legislatures

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

1. A consultant, which has a small business administration experience should be part of the team that reviews the set-aside process

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

1. The website should be updated to ensure that it is accessible
2. Currently the training for new vendors is 3 months-2 years; a review of the courses through Hadley School for the Blind and the 11 state modules should be reviewed so that there are no duplications
3. The training should be functional, so that operators can apply their skills on

Rec. 13 – Remove BEP from State Payroll and Pension Systems: ¹²⁰

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

1. Explore option 2, with the assistance of business experts in the field

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 15 – Strengthen Business Programs:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

1

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

***** JLOSC should consider with modifications *****

Current state rules exist and should contain the missing elements identified above.

Currently set aside obligations and program qualification criteria exists in both the Federal and State rules and regulations, they may need to be updated to include additional criteria.

Fiscal controls must include annual outside audits and oversight beyond the DVI... Don't put the bank robbers in charge of the bank!

All changes MUST occur according to state and federal regulations! public notice, department Secretary approval and signature, RSA approval in writing. Do not change set aside obligations or any other policy or regulation without changing the policy/regulations first!

All BEP locations must be included in program financial reports to include food trucks, DHSS Holloway campus cafeteria, and other locations that are within the BEP program and must be updated in every report to indicate whether there was business activity.

All account transfers must be included in program financial reports including account summary sheets.

BEP program information shall be provided quarterly to the COMMISSION FOR STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT TO INDIVIDUALS WITH DISABILITIES for inclusion in their annual report and to ensure that they are within compliance of set aside regulations and guidelines. This will provide oversight and an annual report to the legislators and governor. This information should include all new locations established during the current year, any new blind operators, any locations closed during the year, the number of blind operators in training, and any other criteria that the commission desires.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

***** JLOSC should consider with no modifications *****

Term limits be implemented for committee members

BEP program information shall be provided quarterly to the COMMISSION FOR STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT TO INDIVIDUALS WITH DISABILITIES for inclusion in their annual report, this will provide oversight and an annual report to the legislators and governor. This information should include all new locations established during the current year, any new blind operators, any locations closed during the year, the number of blind operators in training, and any other criteria that the commission desires.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

***** JLOSC should consider with modifications *****

Annual training should be mandatory for all blind operators including those that serve on the BVC.

It is the responsibility of the Division f/t Visually Impaired (DVI) to develop and expand the program by creating locations that will support a blind operator. The DVI is the State Licensing Agency (SLA) of the BEP program and holds all contracts and permits for every location, and finally since there is no provision for equipment ownership to a blind operator... and since DVI controls all program funds... and is responsible for their disbursements... the BVC may only provide active participation as prescribed in federal regulations. The DVI has the final decisions... they must be held accountable!

Rec. 10 – Implementation of BEP Audit Recommendations:

124

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].

***** JLOSC should consider with modifications *****

The audit was limited by the scope of the audit! They were not permitted to determine where the missing \$154,000 went! They also did not investigate the cafeteria losses that were over \$250,000!

The state auditor (AOA), DHSS Division of Management Services (DMS) or another outside agency should provide accounting best practice suggestions and develop a plan to implement changes to insure that fiscal procedures are in place to minimize any mismanagement of program funds, fraud, waste, abuse, or theft and increase proficiencies.

Determine whether accounting services should be removed from the DVI.

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

***** JLOSC should consider with modifications *****

A subject matter expert or an outside service provider with knowledge of business needs and forecasting future plans should be engaged.

They need to be included in final discussions prior to adopting and including in state rules and regulations after being posted in the states regulations website for comments and being signed off by the department Secretary.

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

***** JLOSC should consider with modifications *****

Review training programs of other states and duplicate best practices.

Modify and Update the training program for new operators and review for duplication of training materials. An outside consultant may be advisable.

Identify in writing the various levels of licensing and the expectations of the participant.

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

No comment

Rec. 14 – Strengthen State’s Licensing Authority under the Randolph-Sheppard Act: DVI shall submit a detailed proposal to the JLOSC¹²⁶ 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.

***** JLOSC should consider with modifications *****

Identify the purpose of the BEP and the reason why opportunities were set aside for blind operators.

Sub-contracting vending and food service must not continue if additional opportunities are to be made (the BEP refused to bid on DNREC opportunities).

All location agreements and contracts must be between the state of Delaware and the agency which is the host.

I do not support any legislative changes until a detailed understanding of how services will be provided by qualified blind operators.

Rec. 15 – Strengthen Business Programs:

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.

***** JLOSC should consider with modifications *****

Engage an expert subject matter expert to assist in developing a plan to increase VR program employment outcomes.

Self-employment is a function of VR and like all employment programs need to be strengthened to promote all forms of employment.

Utilize technology to increase outcomes of Delawareans with visual impairments.

Establish or develop partnerships to train visually impaired Delawareans to operate technology so that they are competent and proficient.

Develop employment training programs that are accessible to visually impaired and blind Delawareans statewide inside the state of Delaware.

Consult with the Delaware DVR and other VR programs nationwide to determine best practices and include them in the VR state plan.

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

I am not sure why anyone would think there are no rules and regulations that govern BEP.

We have the federal regulations, state regulations and policies that cover these issues. The ones that are applicable anyway. As for this recommendation the federal and state regulations and policies require active participation in all aspects of the BEP by the Blind Vendors Committee..

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

DVI is welcome to make any recommendation to the BVC they would like. I don't believe any government entity has the right to direct any such action. We Have bi-laws to follow for any changes to said bi-laws. Changes to the BVC committee bi-laws requires a vote of licensed blind operators. This is consistent with most committees isn't it?

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

Simply stated, we already do this.

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

We have instituted the appropriate changes.

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

We have a policy that covers this, Like everything else it requires active participation with the BVC..

Rec. 12 – BEP Public Outreach:

DVI shall:

a. Develop a BEP application.

b. Update the BEP section of its website to include:

(1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.

(2) Links for regulations, rules, policies, or by-laws affecting BEP.

(3) Access to the BEP application.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

I believe all this exists. It may not be on the internet though. As for applying to BEP you need to start by opening a case with VR.

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

JLOSC should not consider

We are coming off state payroll by the end of the year. There are a few reasons for this such as, DVI is out of compliance to it's federal partners. Simply stated it is not legal for DVI to pay our employees or be involved with our pay.

Operators in Delaware should have gotten off state payroll a long time ago, like 30 years ago! As for pension, operators will have the choice to pay into the pension or use an IRA or what ever they would like. I am at a loss for why anyone would think prior operators would be affected. We the BVC would not do anything to damage previous operators..

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

JLOSC should consider with modifications

We have been working on a new law that could increase opportunities for more blind people. The JLOSC should sponsor our new law, and work with the blind vendors to get this new law to the governor's desk for signature.

Rec. 15 – Strengthen Business Programs:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

JLOSC should consider with modifications

While tech is important, it is just part of the solution. The biggest obstacle to blind people is the perception of others, we are all too often underestimated. The state should make a concerted effort to employ folks who are blind. The state needs to be a leader in the employment of people with disabilities.

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 133

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI should be required to do the previously mentioned goals with specific and measureable performance standards and goals outlined to enhance this recommendation.

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI is in no position nor is it equipped to implement this recommendation in its current state. This is asking an agency to complete a task when the skill set and objectivity are not present.

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 15 – Strengthen Business Programs:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

This recommendation is myopic and in no way allows for any measureable or attainable success factors or way to measure completion or success. This seems to be composed by an entity which has no understanding of factors which would contribute to success, such as funding, legislation, or oversight. This recommendation as presented is setting the agency and consumers up for failure.

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

They have credit and background checks but no guidelines.
Need better fiscal controls.

Would benefit from an outside, independent auditor:

BEP provides vendors with initial set up money and stock, blind vendor then runs their business, they are required to send in P/L statements every two months. P/L statements are showing heavy losses in vending areas. Vendor needs to be accountable for the losses in their statements. It is unclear why there are substantial losses. There should be checks and balances, assistance should be given when an operator is showing losses.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Delaware's BEP program needs a training program and an instructor.

Hadley school has training program for Randolph Sheppard program and Delaware does not have an instructor. Hadley school for blind teaches federal, perhaps they could teach for the state or the state could partner with them.

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Randolph-Sheppard states the set-aside amount

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

DVI has recently updated their website.

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Would not recommend BEP removing from State payroll or pension system. BEP employees would have to fund their own retirements and oversight exists with BEP remaining in the payroll system.

Rec. 14 – Strengthen State’s Licensing Authority under the Randolph-Sheppard Act:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI should work with the public in creating the proposal via public meetings under the BEP program.

Rec. 15 – Strengthen Business Programs:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI should provide the data relating to how many VR participants who have not been placed in an employment position.

DVI should provide a report detailing their current employment ratios and outlining what they are doing to improve them.

Kent County does not have place for job training.

Technology employees do not have certification, such as certifications to teach Windows or Apple products.

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Comment: This is partially untrue. There are some written regulations. However, they are vague and inconsistent. No matter, a blanket statement of no documentation could be considered antagonistic.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Comment: This statement is rather vague to me. The definition of the current set-aside should be stated.

Rec. 12 – BEP Public Outreach:

DVI shall:

a. Develop a BEP application.

b. Update the BEP section of its website to include:

(1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.

(2) Links for regulations, rules, policies, or by-laws affecting BEP.

(3) Access to the BEP application.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Consider Both Options 1 and 2 as an alternative from one or the other.

1. Option 1: Under certain circumstances, age, and length of service, the impact of removal from the State's payroll could be life-altering.

2. Option 2: The ultimate goal of the Agency is for individuals to be independently successful. Therefore, whenever possible, with set criteria, that support gradually be removed as the individual becomes more independent.

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

... and to expand vending opportunities **[all avenues of business ventures]**, including institutions of higher learning, Department of Corrections, and interstate rest areas.

Rec. 15 – Strengthen Business Programs:

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

Consider splitting BEP and other Employment Services. This is somewhat similar to the issue in the previous set of questions, i.e. of increasing resources for the general blind public and the professionals that work with blind individuals.

The unemployment rate of those who are visually impaired is approximately 70%.

Therefore, in addition to employment services to Delawareans with visually impairments, DVI shall strengthen the Business Enterprise Program by:

1. assessing assistive technology needs in the venue for the blind vendor and/or associates to work independently.
2. providing training and employment for blind vendors and/or associates in
 - a. business procedures
 - b. teamwork & sensitivity training
 - c. financial matters
 - d. assistive technology
3. to provide training for non-visually impaired associates and employers in
 - a. assistive technology their blind vendors and associates use in their work.
 - b. teamwork & sensitivity training

Responses from Rob Schmidlkofer, State of Delaware Business Enterprise Program, Director

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

The Regulations and Rules are currently being revised and we are using the policies to further strengthen the rules. The above have been strengthened by Policy that is now at the Federal level waiting to be approved. No Regulation or Policy that is written by BEP in agreement with the Blind Vendor Committee (BVC) can be implemented until it is approved by the Department of Education in Washington DC. Our policies have been waiting approval for over two years due to the back log in DC. This is consistent with all other states.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors

Committee Board:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

This would have to be agreed upon by the Blind vendors there is a Draft copy that is in place. To this date there has been no Agreement by the Blind Operators on wording of document.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Yearly Training is given By a National expert to all operators. Upward mobility training done locally we do quarterly training. And nationally the operators are offered to attend Business Leadership and Superior Training or (BLAST) that happens every 18 months. With some small or mini-BLAST given in between.

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Policies as well internal audits have been put in place to resolve any issues that we of concern. We also have weekly account status and reconciliation with BVC Chairman to discuss Expenditures and revenue for the program.

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

We have formed a committee to work on this the development of a site we also want to convey true spirit of the program with operators in their locations so people see what they do on a day to day basis.

It will be transparent in that it will have all Approved policies, Rules, regulations, and by-laws that affect the program as they are updated. It will also ensure that as it changes any of these that it will be announced on its web page as well on the state calendar in the agenda posted in its BVC monthly meeting.

The BEP application for the program will as well be posted on the page.

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

. Remove payroll option to pension system

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

The Law has been drawn up and circulated amongst the Operators all seem to be in agreement and will submit to Legislators for sponsorship. Which will hopefully would go forward this next year.

Rec. 15 – Strengthen Business Programs:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

If the law passes in its current state it will open many opportunities for new Blind Operators as well them to hire other people to work for them. We are looking at least 8 to 10 stand-alone sites where an operator can run a location that is one general area like a prison or college where they will make around 35K or more a year. Which is our goal by policy to ensure every operator has a livable income to sustain themselves and their family.

Then the biggest challenge to this will be is funding of these locations. The technology and machines to make machines Blind operator accessible will be costly we are not in a state budget for money for purchasing of this equipment nor have we received Federal money to purchase this equipment. Each machine is at least 5k+ and the equipment for each machine is (depending on if you purchase in bulk or each) 200.00 to 350.00 per machine. Some stand-alone areas will have 20+ machines that is snack and some beverage we purchase. The money we have to use to purchase these machines is the SLA unassigned locations budget.

I have done up a budget for the program for 15 years for the program to be successful and grow to its maximum potential over that 15 year period you're looking at a 4.3M dollar budget that would not include us purchasing any Micro-markets, cafeterias, or retail places. This is only vending Machines, vend-end system, vehicles, storage, commissary and accessories to the above.

The reason Micro-markets, cafes, and retail places were not included was the cost varies on size and would be too hard to even budget for or project that far out. These could be done as a normal budget item not as a projected 15 year budget once the market prices comes down to a reasonable price and that everything has been made 100% ADA compliant. And when we put our money into it we are not updating everything every six months to a year to stay ADA compliant. The equipment and technology will be already available and we can purchase without making upgrades or at least only limited ones.

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI shall promulgate regulations to implement and operate the BEP program. The regulations shall align with the Randolph Sheppard Act. Note: Some items listed below may be more effective in policies and procedures.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

The by-laws are the sole responsibility of the Blind Vendors Committee.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 152

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

An administrative action such as this requires active participation of the Blind Vendors Committee.

Rec. 12 – BEP Public Outreach:

153

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications.**

Option 1: DVI shall transition the Blind Vendors off of the State of Delaware's payroll system. DVI shall work with the Office of Pensions to ensure Blind Vendors pension and pension contributions continue as a participating group of the State Employee Pension Plan.

Rec. 14 – Strengthen State’s Licensing Authority under the Randolph-Sheppard Act:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 15 – Strengthen Business Programs:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 15 – Strengthen Business Programs:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 12 – BEP Public Outreach:

DVI shall:

a. Develop a BEP application.

b. Update the BEP section of its website to include:

(1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.

(2) Links for regulations, rules, policies, or by-laws affecting BEP.

(3) Access to the BEP application.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI should consider this a viable option to save the state money and provide a realistic opportunity to grow the program in an authentic and organic way. Business ownership is about learning about all aspects of your business.

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI must also look at its key personnel that's running the BEP to determine if the required skill sets are there to implement this change.

Rec. 15 – Strengthen Business Programs:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Responses from Survey Monkey, user #3 Karen Blankenship

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☐ JLOSC should not consider

☐ JLOSC should consider with no modifications

☒ JLOSC should consider with modifications

Consider offering BEP as a CTE in high school to recruit future vendors.

Rec. 10 – Implementation of BEP Audit Recommendations:

162

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 12 – BEP Public Outreach:

DVI shall:

a. Develop a BEP application.

b. Update the BEP section of its website to include:

(1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.

(2) Links for regulations, rules, policies, or by-laws affecting BEP.

(3) Access to the BEP application.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems: ¹⁶³

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

I don't know enough about this to make a judgement.

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 15 – Strengthen Business Programs:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 12 – BEP Public Outreach:

DVI shall:

a. Develop a BEP application.

b. Update the BEP section of its website to include:

(1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.

(2) Links for regulations, rules, policies, or by-laws affecting BEP.

(3) Access to the BEP application.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 15 – Strengthen Business Programs:

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Business Enterprise Program (BEP) Tabled Recommendations

Q1

Rec. 7 – Business Enterprise Program (BEP) Regulations: 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: a. Participant eligibility. b. Personnel management. c. Fiscal controls. d. Marketing plans. e. Enforcement of production quality standards as stated under § 7929, Title 29. f. Set-aside requirements and procedures for Blind Operators.

JLOSC should not consider this recommendation.

Q2

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board: 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.

JLOSC should not consider this recommendation.

Q3

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 10 – Implementation of BEP Audit Recommendations: 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].

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 11 – BEP Set-Aside Requirements: DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

JLOSC should not consider this recommendation.

Suggested modifications or comments::

At this point i feel that bep has adequate funding from unassigned sites and from the operators contribution

Q6

Rec. 12 – BEP Public Outreach: DVI shall: a. Develop a BEP application. b. Update the BEP section of its website to include: (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act. (2) Links for regulations, rules, policies, or by-laws affecting BEP. (3) Access to the BEP application.

JLOSC should not consider this recommendation.

Suggested modifications or comments::

I believe we have our own rules and bi-laws in place that serve us well and should be left up to us.

Q7

Rec. 13 – Remove BEP from State Payroll and Pension Systems: Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system. - OR - Option 2: 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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments::

I believe bep operators should still be allowed to be a part of the pension program by contributing to the pension themselves.

Q8

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q9

Rec. 15 – Strengthen Business Programs: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q10

Please provide your first and last name and your desired contact information.

Michael Dunlop

Business Enterprise Program (BEP) Tabled Recommendations

Q1

Rec. 7 – Business Enterprise Program (BEP) Regulations: 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: a. Participant eligibility. b. Personnel management. c. Fiscal controls. d. Marketing plans. e. Enforcement of production quality standards as stated under § 7929, Title 29. f. Set-aside requirements and procedures for Blind Operators.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Should include clear requirements for what obligations are for licensees to operate approved locations (i.e. direct labor vs administrative oversight, franchisee options or limitations, employee ratios, if any - similar to the Set Aside Programs (75% direct labor requirements for persons with a disability).

Q2

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 10 – Implementation of BEP Audit Recommendations: 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].

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments::

I am unaware of the recommendations however, defer to the review and findings with the acceptance that they should warrant further consideration or a program response as to why they are not appropriate.

Rec. 11 – BEP Set-Aside Requirements: DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Currently BEP offers a report to the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities, however does not bring location establishment decisions or licensee decisions to the Commission whereby the Commission would, through adopted rules and regulations formally vote to "Set Aside" what otherwise would be a competitive contracting opportunity. Additionally, there continues to be a lack of differentiation between the BEP Operators (Business Ownership) vs Individuals who are employed by vendors in the awards set aside by the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities. Business ownership and entrepreneurship is very different than employment. Any consideration to place this under a more direct purview of the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities would need to consider that difference.

Q6

Rec. 12 – BEP Public Outreach: DVI shall: a. Develop a BEP application. b. Update the BEP section of its website to include: (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act. (2) Links for regulations, rules, policies, or by-laws affecting BEP. (3) Access to the BEP application.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments::

I would recommend either a stand alone annual report to the Governor and the Legislature or a direction for inclusion within the annual report of the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities. The report should consider including the following: Locations considered for BEP ventures
Locations served by BEP ventures and annual sales volumes or customers served
Comparators to BEP programs in the region and nationally (i.e. DE has 5 BEP Operators for a 1.0M person population which compares to the Nationally as YYY)
Success stories of BEP operators and how/if they have been able to expand markets beyond Governmental facilities into pure entrepreneurship ventures

Q7

Rec. 13 – Remove BEP from State Payroll and Pension Systems: Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system. - OR - Option 2: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Rec. 14 – Strengthen State’s Licensing Authority under the Randolph-Sheppard Act: 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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments::

JLOSC should consider unintended consequences of expanding a program beyond capacity without available BEP Operators with the capabilities to administer. Program expansion, while a laudable goal, should consider a measured approach and come after clear program revamp to address two key areas: First - what are the requirements for the BEP operator for involvement within the operation (i.e. Direct labor or administrative oversight) Second - recognition for a difference between employment for individuals with a disability vs business ownership If the goal is to help as many persons with visual disabilities as possible find gainful employment and create self sufficiency, perhaps an alternative consideration to having all individuals with visual disabilities as business owners, might be to consider supports for employment within the food industry and supply chain for these individuals (i.e. packing and prep operations for canteen operations, logistics and product availability for fresh foods required to supply existing locations, etc.).

Q9

Rec. 15 – Strengthen Business Programs: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Suggested modifications or comments:

Unblur the lines between BEP Business Ownership for individuals with visual impairments and Employment for individuals with visual impairments - It is often not clear when addressing DVI which is the primary population and the results/outcomes of each are either assigned or attributed to the collective whole. There needs to be a better way to clearly differentiate between these two very different populations.

Q10

Please provide your first and last name and your desired contact information.

Dean Stotler

Business Enterprise Program (BEP) Tabled Recommendations

Q1

Rec. 7 – Business Enterprise Program (BEP) Regulations: 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: a. Participant eligibility. b. Personnel management. c. Fiscal controls. d. Marketing plans. e. Enforcement of production quality standards as stated under § 7929, Title 29. f. Set-aside requirements and procedures for Blind Operators.

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board: 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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

This should also include past members as well seeing as how certain individuals have current conflicts of interest.

Q3

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 10 – Implementation of BEP Audit Recommendations: 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].

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 11 – BEP Set-Aside Requirements: DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

JLOSC should consider without modifications, keep this recommendation as written.

Q6

Rec. 12 – BEP Public Outreach: DVI shall: a. Develop a BEP application. b. Update the BEP section of its website to include: (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act. (2) Links for regulations, rules, policies, or by-laws affecting BEP. (3) Access to the BEP application.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Rec. 13 – Remove BEP from State Payroll and Pension Systems: Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system. - OR - Option 2: 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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Option 2 will also help enforce former operators from trying to , "double dip", or receiving multiple pensions from the state. This was sore subject with previous operators who retired but then wanted to continue unabated as a contractor receiving dual state incomes.

Q8

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q9

Rec. 15 – Strengthen Business Programs: 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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Outside of BEP, DVI should not be required to employ blind and visually impaired individuals. Employment should be based on skills, experience, merit and education. An individuals sight should not be a consideration for employment because the risk of discrimination is increased when such factors are required.

Q10 Please provide your first and last name and your desired contact information.

Respondent skipped this question

Meeting #4 – Education Tabled Recommendations Worksheet

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](#) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider without modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

There is a national shortage of Teachers of Students with Visual Impairments. To address the shortage in Delaware, both the Department of Education and the Division for the Visually Impaired will promote and support alternate routes to certification and resources for personnel preparation..

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

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 the DOE and work to bring meaningful modifications to the agreement.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 26 – Implementing Education Service Model:

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Braille instruction is an IEP team decision based on the student's assessment. The law states, "In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media(including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child."

Rec. 28 – DVI Resources for Individualized Education Program (IEP)

Development:

177

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI shall provide vision related expertise to teachers, specialists, and counselor in the development of an IEP.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

The most effective and comprehensive services are provided by separate service agencies for the blind. With its current placement, students are provided with a continuum of services. A blind person requires an appropriate service system common to no other disability.

Sonya Fair Lawrence, BSN, JD, CHC
Parent of a Child with a Visual Impairment
Member, Delaware Vocational Rehabilitation Advisory Council for DVI

October 10, 2019

**RESPONSES TO MEETING #4 RECOMMENDATIONS AND ADDITIONAL RECOMMENDATIONS
SUBMITTED PURSUANT TO SR8**

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind with visual impairments including blindness,~~ the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider without modifications**
- ☒ **JLOSC should consider with modifications**

Advocates of this community worked collaboratively to revise § 206, Title 14, Chapter 2 and Title 31, Chapter 21, to align state law with federal requirements and evidence-based practices in the areas of service provision to citizens who are blind and visually impaired. In 2009, 2012, and 2015, versions of these recommended legislative changes were collaboratively written with former Directors of DVI in 2009, 2012, and 2015. Members of the community have repeatedly presented these recommendations to DHHS for implementation. To date, DHHS has opted against presenting these recommended changes to the legislature for implementation.

It is unclear whether the recommendation includes the entirety of legislation outlined in the above-referenced statutory provisions. I espouse a wholesale review and amendment of these statutory provisions. Therefore, this recommendation is not limited to section (e) as outlined within Recommendation 3.

See recommended changes to legislation provided by Dr. Debbie Harrington on October 10, 2019. I concur with those changes.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Approximately fifteen (15) years ago, out of frustration with access to speech therapy services in the state, Lauren Devard's mother Samtra called Representative Valerie Longhurst. Representative Longhurst, our current House Majority Leader, heard her constituent, understood the need, and worked tirelessly to right this wrong. One newly elected legislator made a difference in the lives of numerous Delawareans by championing the need to bring speech therapist educational programming to Delaware.

The formula is already created and Representative Longhurst's successful trail has been blazed. Delaware needs to bring graduate programming for certified TVIs, O&Ms, AT specialists, and other professionals who are specially trained to serve individuals with visual impairments to this state and at least one of its eight colleges and universities in Delaware should receive fiscal and operational support to address this longstanding need.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

A Memorandum of Understanding governs the collaborative work that should involve DVI, DOE, and the LEAs of this state. Failure to communicate effectively and to defer to an overarching authority related to the education of students with visual impairments and blindness continues to impede effective delivery of educational services to students. I am prepared to share a list of occurrences that required involvement of Secretaries Walker (and Secretary Landgraff) and Secretary Bunting (and her predecessor) to address communication failures involving IEP compliance, educational placement, delivery of expanded core curriculum and extended school year services and required instructional materials.

The Memorandum of Understanding was designed to enhance communications, but it has not been revised and oversight or auditing of compliance does not regularly occur.

The attached outline of concerns was presented to the Lieutenant Governor in April 2017. The Lieutenant Governor initiated steps to bring the two agencies together to address these concerns, but the MOU has not been updated and certain LEAs appear to be unaware of the responsibilities of all parties involved in the education of students with visual impairment and blindness.

Please see attached.

Concerns Related to the Memorandum of Understanding between the Delaware Division for the Visually Impaired, the Delaware Department of Health and Social Services, the Delaware Department of Education, and Local Education Agencies

IV. Glossary

Accessible Instructional Materials:

1. DVI will provide AIM/AEM as they relate to the core curriculum
2. DVI may furnish AIM/AEM as needed for expanded core curriculum (if resources are available)
3. If materials not readily available, then DOE via AIM shall provide.

Assistive Technology

Language currently states that an Assistive Technology professional from DVI and/or the LEA may assist the student with assistive and informational technology, including AT assessments. The MOU further states that the TVI may act as an AT specialist, if her/his background permits.

Issue: Ambiguity leads to inactivity.

Consultancy

The MOU states that requests for consultation must be made directly from the DOE staff person requesting the service directly to the DVI teacher liaison for that LEA.

Requests for consultancy to DOE administrative staff must be requested from the DOE administrator to the DVI Principal, Deputy Director, or Director.

Issue: the process is unclear.

Proposed:

Itinerant Teacher:

Issue: no definition of a teacher of the visually impaired.

Related Educational Services:

Issue: Assistive Technology and Independent Living services omitted from language.

Specialized Equipment

DVI will provide specialized equipment to the extent of its budget, as long as the equipment is necessary to implement the services identified on the student's IEP.

Issue:

- A. The MOU fails to define the ultimate arbiter of "necessary to implement services" and does not contemplate an appeals process if an individual determines that they do not need to purchase equipment to implement the services. Moreover, past practices have shown that DVI' budget does not contemplate purchase of equipment for all students.
- B. *According to the language identified in the Agreement, students without IEPs, who may be eligible for DVI's services, will not receive specialized equipment from DVI. Students with*

Section 504 plans could effectively be left without the tools necessary to access the educational curriculum.

C. Vocational Rehabilitation

Issue: The definition significantly limits the services that must be provided to VR students. There is no mention of the independent living, assistive technology, and orientation and mobility specialists DVI employs to implement VR activities.

V. Eligibility

Issues: A-K do not provide a clear set of criteria for determining eligibility. LEAs and DVI do not appear to understand or otherwise agree on the degree to which students are eligible to receive DVI's services from birth through age 21 or maximum age for completion of high school.

- A. An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. (IDEA definition).
- B. Delaware eligibility requirements are set forth in the existing MOU. These eligibility criteria do not align with the federal requirements and have since been corrected. Note that issues remain related to the extent to which students previously deemed ineligible received additional assessments to determine whether they, in fact, qualify for services under IDEA and the newly implemented Delaware special education eligibility regulations.

6.17 Eligibility Criteria for Visual Impairment including Blindness:

6.17.1 Blindness shall be defined as a visual acuity of 20/200 or less in the better eye with best correction, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees.

6.17.2 Partially Sighted shall be defined as a visual acuity between 20/70 and 20/200 in the better eye after best correction, or a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually. Partially sighted shall also include a degenerative eye disease, which in the opinion of a licensed ophthalmologist or optometrist, is expected to reduce, in the future, either visual acuity or visual field, resulting in partial sight or blindness. A visual impairment may be accompanied by one or more additional disabilities, but does not include visual perceptual or visual motor dysfunction resulting solely from a learning disability.

6.17.3 A licensed ophthalmologist or optometrist shall document that a child has a best, corrected visual acuity of 20/200 or less in the better eye, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees (for blindness), legally blind, or a visual acuity of 20/70 or less in the better eye after all correction, (for partially sighted), or a degenerative eye disease, or has a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually.

6.17.4 The IEP team shall consider the documentation of visual impairment in addition to other information relevant to the child's condition in determining eligibility for special education under the above definition.

6.17.5 The age of eligibility for children identified under this definition shall be from birth until the receipt of a regular high school diploma or the end of the school year in which the student attains the age of twenty-one (21), whichever occurs first.

VI. VR Services

Enforcement of the provision requiring pre-employment services for students age 14 is not specifically outlined and DVI's staff report that such services are not currently provided consistently to students in middle school (at least not for students age 14).

VII. A. DVI'S RESPONSIBILITIES

-Use of the term "but not limited to" makes the services described ambiguous. Specifically, the MOU should mention every current service to which students are entitled so that LEAs know the full complement of services available to their students. (e.g. Independent living services for students.)

-- Although the term 'Expanded Core Curriculum is utilized in the MOU, the specific services provided to students to satisfy ECC standards is absent from the document.

-- DVI no longer employs Child-Youth Counselors. According to the MOU, Child Youth counselors participate in the IFSP process, provide monthly updates to families and Child Watch, and connect families to resources. Whomever currently provides such services for children under an IFSP should be specifically identified in the MOU and their duties should be specifically identified.

-- 2d outlines the services DVI will provide, but again fails to mention that independent living and assistive technology services are an integral part of the expanded core curriculum.

-- 2f. Frequency of Assessments: children birth to three are entitled to annual functional vision assessments, but students actually enrolled in academic programs (elementary through high school are only entitled to an assessment once every three years, unless otherwise requested). This appears to create areas of vulnerability for students with progressive eye disease and other conditions that worsen over time. Moreover, students who do not have IEPs are not covered under this provision.

With respect to 504 students, each district may employ its own methodology for reviewing the eligibility of Section 504 students. At the very least, periodic re-evaluation is required. The MOU assumes that the triennial process will be utilized.

-- Finding Section 504 students: Section 504 requires school districts to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services. This MOU

does not provide specific guidance to districts regarding how to identify students that may require vision, assistive technology, orientation and mobility, and independent living services. Moreover, because the eligibility regulations in Delaware changed to meet federal requirements, students with current Section 504 plans may not be eligible for special education services because their vision impacts their education.

-- Vision assessments obtained by DVI must be provided to the student's IEP or Section 504 oversight team within the time required under federal and/or state law. This exchange of information must occur, even when DVI obtained the assessment for the purposes of implementing an IPE. This provision does not address where the assessments should be archived, review for accuracy, and actions to be taken when timely provision does not occur.

-- DVI to provide demographic data reports to LEA Special Education Director by May 1 of each school year. To ensure that all students' needs are properly assessed and LEAs have accurate information to ensure that students' services may continue uninterrupted, all VI assessments and recommendations for service provision must occur before May 1. This does not appear to be happening today.

-- Digital Rights Managers from DVI must be identified and reported to each child's IEP, Section 504 team upon initiation of the child's IEP. Confusion regarding who will obtain instructional materials is still an issue and clarity must be brought to this process. If students require academic materials in alternate formats, a specific process between LEAs and DVI must be identified. Given the electronic nature of materials submission, it is feasible to assign timelines associated with transmission of information to the appropriate parties for creation. Efforts have been undertaken to streamline the processes associated with accessible materials, but the MOU does not appear to contain those changes.

-- The MOU states that DVI will provide visual assistive technology products to students and training to classroom staff. The MOU language in Section 2.J. should be revised to create more clarity around the definition of "visual assistive technology products". Is DVI the agency that will receive AT requests from the IEP/Section 504 teams in all cases? Does DVI have discretion to honor these requests? Language highlighted previously leaves to DVI the discretion to purchase specialized equipment if their budget permits.

-- The language of Section 2.J. can be interpreted to require DVI to provide the student and classroom staff with assistive technology training. To date, DVI has not routinely deployed specialized staff to school settings to train students and staff on assistive technology. It is clear that TVIs may possess some level of knowledge regarding certain assistive technology equipment, but their time and specific expertise with respect to emerging technology available to students with visual impairments is likely insufficient to ensure that students receive direct instruction to develop skills necessary to utilize independently and effectively utilize the AT that may provide them with necessary access to the curriculum.

-- Referral for VR services appears to be centered upon a TVI's referral at age 14. Since TVIs may not serve directly all students with visual impairments that may be eligible for VR services, this mechanism may not ensure that all students receive proper, timely referrals for pre-employment services. In

addition, it is unclear that DVI is actively providing to all students 14 or older pre-employment services identified in this Agreement.

Further, if parental consent is required, DVI should transmit specific information related to the benefits of pre-employment activities and the specific activities in which they will engage with students during this pre-employment period. The LEA should receive the same information and actively engage with parents to ensure consent is obtained, when appropriate.

The MOU outlines required pre-employment activities, but there appears to be no mechanism by which the required activities are delivered to students. LEAs should be apprised that these required activities are available to VI students, so that the IEP, 504, or educational team may ensure that the student receives access to these services.

-- DVI is required to assign a DVI-VR counselor to all LEAs and educational programs serving students in grades 9-12. DVI will provide to LEAs a list of the DVI VR counselors' schedules. Is this provision designed to assign VR counselors to each high school or only the educational programs serving VI students? If to the former, is DVI resourced sufficiently to satisfy these requirements? If not, alternative plans must be made.

3. Professional Development and Technical Assistance

-- It is unclear whether DVI's current staff fully understands the requirements of the MOU and the manner in which such DVI-related responsibilities will be discharged. The MOU should mandate professional development and technical assistance to all persons responsible for implementing the terms set forth in the MOU.

4. Collaboration on Relevant Policies:

-- DVI development of policies related to the education of students in Delaware must be overseen by agencies or legislative bodies who maintain ultimate responsibility for provisions of FAPE to students. Since LEAs maintain ultimate responsibility for education of students under IDEA and Section 504 of the Rehabilitation Act, such policies should not be implemented unilaterally, without input of other stakeholders. Moreover, the policies must be made available to the public and should be explained to parents, students, teachers, and others involved in the educational process.

5. Operational Oversight of Staff and Funding

-- Submission of requests for funding sufficient to provide FAPE. The paragraph does not provide specific details regarding the state agency/ies to whom such requests will be made and the specific services for which DVI will seek funding.

6. DVI's "inability" to provide services should be evaluated carefully to determine the best means through which to ensure students do not experience a break in service. DVI's notification to LEAs only is not sufficient to protect the rights of the student(s). Under these circumstances, students may be denied FAPE. Therefore, such decisions should be brought before an oversight committee who is charged with evaluating the cause and remedies associated with DVI's "inability" to provide services to students.

B. DOE

- a. Technical Assistance regarding provision of FAPE and required educational services to DVI is required immediately. Issues such as unilateral decision making outside of IEP and Section 504 meetings must be addressed to ensure that DVI understands the regulatory requirements associated with students receiving special education and other services.
- b. Grant funding supporting DVI services for students appears to be inadequate to support DVI's provision of services to students. Funds sufficient to provide services to students with visual impairments who receive special education services under IDEA are not optional. Even if the student does not have a Section 504 plan or IEP, DVI's provision of services to such individuals cannot be limited by funding. If DHHS is unable to fund properly the agency responsible for serving persons with visual impairments in needs of education and related services, an appropriate department within the state should assume responsibility for this important work.
- c. DDOE's provision of monitoring oversight currently evaluates the extent to which the LEA is compliant with IDEA and Section 504. DDOE's monitoring of DVI, in particular, should be designed to evaluate specifically the services provided by DVI's education program. For example, monitoring of DVI's adherence to this MOU should occur on an annual basis. Such monitoring will include the extent to which decisions were made in collaboration with the IEP or Section 504 team. Whether DVI provided appropriate notice to LEAs and families if services could not be provided, whether assessments occurred and were shared appropriately with the IEP team, etc.

C. LEAs

-- Information shared with DVI should be limited to "need to know" only. The list of information contained on page 21, paragraph J. may not be required for provision of VR services. Indeed, evaluation and qualification for certain services, should not be contingent upon psychological examinations, provision of social security numbers, etc. unless absolutely necessary. In fact, such details are not required to meet eligibility requirements for special education under IDEA and Delaware's implementing regulations.

-- The referral process for identification of students with potential visual impairments should be specifically set forth in this document. What are the criteria that warrant referral to DVI? To whom should the referral be made? What kind of information can be shared with DVI absent consent from parents? What other mechanisms exist for evaluation of the student with a suspected visual impairment if parental consent to contact DVI is withheld?

-- LEAs should offer and provide technical support to DVI when it seeks to make hiring decisions related to assistive technology, special education, or other professional staff who will provide services to students enrolled in educational programs.

DDOE and DVI

-- Coordinate legislative activities to update and ensure that services provided to students with visual impairments and blindness are provided consistent with needs of students and regulatory requirements.

Review annually and revise, when appropriate, requirements for Certified TVIs and other professionals to ensure appropriate standards are met.

-- Section D, paragraphs 7, 8, and 9 appear too general and do not specifically set forth what the agencies must do to comply. Staffing, programming, and assessment adoption and development are extremely important aspects of the delivery of educational services to students who are visually impaired. These sections must be revised to provide clarity and timely action.

The parties must amend this MOU immediately to ensure that it complies with federal law, state regulations, and facilitate provision of appropriate services to students with visual impairments and blindness in this state.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

Part B of the Individuals with Disabilities Education Act (“IDEA”), defines the scope and nature of challenges that establish eligibility for special education and related services. 34 CFR §300.8(a)(1). The IDEA deems eligible for special education and related services “all students with an impairment in vision that adversely affects their educational performance.” 34 CFR §300.8(c)(13).

If a student’s vision impairment renders them eligible for special education services under IDEA, the child must also be considered eligible to receive braille instruction. Braille is the only literacy tool mandated by the IDEA (Ryder, 2017). Section 614(d)(3)(B)(iii) of the IDEA requires Individualized Education Program (IEP) teams to “provide for instruction in Braille and the use of Braille . . .” to ensure that the student receives a free appropriate public education (“FAPE”). Although this federal mandate applies to all state agencies, including public school districts providing special education services to students with visual impairments, the number of students receiving Braille instruction continues to dwindle (Stanfa & Johnson 2015).

The population of students with visual impairments is diverse and extremely complex (Ryder, 2017). Although the needs of these students vary, braille remains an effective means

through which students with visual impairments access the educational curriculum (Bell & Mino, 2013). Research shows that knowledge of braille provides numerous benefits, including increased likelihood of obtaining productive employment and heightened self-esteem (Bell & Mino, 2013). Because braille proficiency is inextricably linked to student success, states and their public agencies must not only ensure that students with visual impairments receive braille instruction, but also reach and maintain braille literacy skills that remain aligned with grade-level expectations for academic performance (Ryder, 2017).

The federal mandate is clear, students with visual impairments must receive braille instruction unless such instruction is not appropriate. 34 CFR §300.324(a)(2)(iii). In a June 13, 2013 letter, issued by the Office of Special Education and Rehabilitative Services (“OSERS”), the federal government addressed complaints that states refused to provide braille instruction to eligible students (Musgrove, 2013). In the letter, OSERS not only reaffirmed the federal presumption toward braille instruction but also emphasized that the instruction must be designed to ensure that the student maintains a level of braille proficiency sufficient to maintain meaningful access to the educational curriculum (Musgrove, 2013).

OSERS also offered advice to states and IEP teams considering the means through which to establish meaningful utilization of braille by its eligible students with visual impairments. The recommendations included interventions involving “[s]ystematic and regular instruction from knowledgeable and appropriately trained personnel . . . , sufficient instructional time allotted for braille instruction, including intensive instruction when appropriate, and thorough and rigorous evaluations designed to ensure meaningful access to and an ongoing ability to make progress in the general curriculum.” (Musgrove, 2013).

OSERS also directed states to avoid impermissible denials of braille instruction due to factors such as “shortages of trained personnel to provide braille instruction; the availability of alternative reading media (including large print materials, recorded materials, or computers with speech output); or the amount of time needed to provide a child with sufficient and regular instruction to attain proficiency in braille.” (Musgrove, 2013).

Although the Delaware Department of Education maintains responsibility for oversight and monitoring of special education-related services in the state, it neither maintains direct oversight of vision-related educational services provided to students with visual challenges or blindness nor oversees state mandated standards for delivery of braille instruction or other vision-related special education services (DVETF, 2015). Instead, the Delaware Department of Health and Social Services, through its Division for the Visually Impaired (“DVI”), maintains primary responsibility for delivering statewide vision-related services to students who are blind or significantly visually challenged (DVETF, 2015).

In the absence of clearly articulated braille instructional standards in the state, Delaware’s local educational agencies develop IEPs containing goals related to braille literacy based upon the subjective recommendation of the assigned teacher for the visually impaired (DVETF, 2015). Neither the Department of Education nor DVI conduct regular audits or engage in ongoing monitoring activities designed to measure compliance with federal braille instructional mandates (DVETF, 2015).

Although the agency claims responsibility for delivering braille instructional services to students across the state, DVI readily admits that it does not conduct regular assessments of students’ braille reading proficiency levels based upon evidence-based standards and does not maintain standards requiring its teachers to measure grade-level braille reading proficiency levels

at any time during the braille instructional period (Harrington, 2018). Given the lack of regular monitoring and absence of state benchmarks against which to measure braille literacy or instructional quality and effectiveness, it is no surprise that students who receive braille instruction historically exhibit lower literacy levels than their sighted peers and peers with visual impairments in other states (DVETF, 2015).

It is important to note that reading proficiency is much more than a student's ability to read and write. According to experts, reading proficiency includes three key elements: (i) the ability to decode text; (ii) ability to explain the meaning of the text in simple and complex terms; and (iii) student's must possess sufficient knowledge of the vocabulary presented in the text to understand it fully (Report of the National Reading Panel 2000a).

While the text may be presented in a format that is different from traditional print and accessibility to the text is primarily gained through developed tactile skill, reading proficiency must be established in literary braille readers at the earliest possible time (Report of the National Reading Panel 2000a). If a sighted child's ability to read proficiently on grade level is an important factor in determining school success and predicting high school graduation, the same barometer can be appropriately utilized to predict the success of students who utilize literary braille as a primary means of learning. (Report of the National Reading Panel 2000a). Consequently, students who utilize literary braille to read and learn must be afforded the same opportunities that are available to students utilizing print media to access their school curricula (Report of the National Reading Panel 2000a).

Delaware's Departments of Education and Health and Social Services acknowledge that educational programming directed toward students with visual impairments has not always aligned with federal mandates for delivery of free appropriate public educational services, yet

neither entity directs meaningful efforts toward identifying the specific causes of braille literacy deficiencies among students with visual impairments in the state (DVETF, 2015).

In the absence of affirmative efforts to improve braille literacy rates among students with visual impairments in Delaware, and perhaps other states, effective parental advocacy may be the only chance students have to attain proficiency in braille. Proficient braille readers enjoy greater independence, success, and personal well-being. (Allen & Daly, 2002). Therefore, parents can make a significant contribution to their child's future if they gain access to the tools needed to advocate and support braille literacy (Allen & Daly, 2002).

(REFERENCE MATERIALS AVAILABLE UPON REQUEST)

Rec. 26 – Implementing Education Service Model:

194

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

- ☒ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 28 – DVI Resources for Individualized Education Program (IEP)

Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

The recommendation does not fully address the educational needs of all students with visual impairments or blindness who may benefit and are supposed to be served by DVI. Although the focus of these recommendations continues to relate to students with IEPs, students with Section 504 plans or other vision-related services are entitled to services provided by DVI under current statutory law. DVI must not impermissibly limit its education services to students with IEPs.

Even if the recommendation was specifically drafted to address only IEPs (a methodology that will not work in this context) all members of the IEP team must understand the needs of the student. Parents and students are vital members of an IEP team. The recommendation does not identify them or the other related service providers that most often develop and implement a student's IEP.

An appropriate recommendation could be drafted that underscores DVI's responsibility to provide services to all students with visual impairments or blindness, regardless of whether they have an IEP, Section 504 plan, or certain VR or ECC needs that do not require development of an IEP.

The Department of Education is best suited to oversee these issues and to ensure that students receive a free appropriate education.

WHAT IS THE APPROPRIATE LOCATION FOR VISION SERVICES PROVIDED TO INDIVIDUALS AGES 0-21 IN THE STATE OF DELAWARE?

DVI does not receive direct oversight from any agency or authority with specific expertise related to the education of students. Moreover, DHHS and DVI assert that they are not subject to the Procedural safeguards outlined in Section 1415(a) of the IDEA because they are not recipients of assistance under the statute.

The safeguards outlined in Section 1415(a) are designed to ensure that children with disabilities and their families maintain certain guarantees and remedies to ensure receipt of a free appropriate public education (FAPE) from such agencies. DVI had previously taken the position that they are free to make determinations that impact the provision of FAPE to students to whom the agency provides educational services, but is not ultimately responsible or accountable if FAPE does not occur. This position has caused certain local education agencies in Delaware to hire their own vision professionals and/or to engage the Department of Education to remediate issues when they arise related to fidelity to a student's IEP or other education related issues.

It is also important to note that DVI, by its own admission does not receive funding sufficient to adhere to the evidence-based requirements for provision of education-related services to students. When the Office of Special Education Programs of the U.S. Department of Education issued a Memorandum clarifying eligibility determination for children suspected of having visual impairment including blindness on May 22, 2017, I sent to Secretary Bunting a letter outlining the need to immediately address the improper procedures utilized to identify students with visual impairments and blindness during the special education eligibility process. (Appendix 1).

Secretary Bunting responded and facilitated regulatory changes designed to align Delaware's regulatory mandates with federal law. During the process, it became evident that, notwithstanding the IDEA compliance issues underlying the regulatory changes, DVI took the position that

“the Division for the Visually Impaired would be evaluating students and allocating resources to those who may not require the services. The Division would also require additional staffing to an *already challenged system* (emphasis added) to assess new students while current students with visual impairments would accrue missed service time to perform the evaluation. Also, conditions that immediately and potentially impact academic and functional impact are not referenced.” (Email from E. Jenkins to Department of Education personnel, dated January 18, 2018). (Appendix 2).

Although DVI sought to emphasize its inability to provide appropriate services to all students with visual impairments and those seeking special education services, this position simply is not lawful. To date, we have not been assured that every student previously denied special education services under the impermissibly narrowed regulations in effect prior to early 2018 has been reassessed. It is conceivable, therefore, that there are students with visual impairments or blindness in Delaware who are not receiving services necessary to ensure that they receive FAPE.

If the agency is dependent upon DHHS to allot appropriate resources to facilitate compliance with the law, and DHHS remains unable or unwilling to manage properly the fiscal, personnel, and legal requirements associated with service delivery, it is not reasonable to leave the education of students with visual impairments and blindness in its current structural location.

Proper funding, oversight, auditing and monitoring, corrective action, expertise, and lawful implementation of federal and state laws and regulations are required to serve students with visual impairments properly and blindness properly. Although DVI has not historically enjoyed the benefit of appropriate funding and oversight of its programming designed to provide educational services to students with visual impairments and blindness, the IDEA's overarching purpose remains the same: the statute must be construed broadly to include as many children with disabilities as possible.

Delaware's students with visual impairments and blindness deserve a chance in life. That chance is inextricably tied to the caliber of education-related services they receive. My son has waited for twelve years for definitive action. He now travels two and one-half hours each day to a school in another state to receive an appropriate education. How long is too long for this state to wait to resolve obvious deficiencies with educational programming for students with visual impairments?

The JLOSC must move responsibility for educating students with visual impairments and blindness to a state agency, to an agency that accepts responsibility for providing procedural safeguards to students and families required under IDEA and maintains the ability to serve properly all students who qualify for educational services under IDEA, Section 504, and/or other legal requirements. DVI does not currently meet these criteria.

SR 8, lines 15-16 enables the Task Force to consider additional recommendations that the Task Force identifies.

I urge the members of the Task Force to request additional consideration of the following:

1. Commission an expert or consulting firm with expertise to conduct an intensive review of all previously assessed students with visual impairments or blindness and all individuals 0-21 (or age before graduation) identified in the DVI registry to determine the extent to which those students are now eligible to receive special education services under IDEA or educational assistance under Section 504.
2. A Statewide Director for Education of Blind and Visually Impaired students must be hired to oversee the education program. This person must maintain expertise in organizational leadership, personnel development, strategic planning, and educational administration. Without the appropriate leadership in place, the educational program will not progress to a level of excellence that our students deserve. (See Maryland model)

APPENDIX 1

June 20, 2017

VIA ELECTRONIC MAIL
 The Honorable Susan Bunting, EdD
Secretary of the Delaware Department of Education
 The Townsend Building
 401 Federal Street, Suite 2
 Dover, DE 19901-3639

Dear Secretary Bunting:

On May 22, 2017, Ruth E. Ryder Acting Director Office of Special Education Programs of the U.S. Department of Education issued an informative Memorandum clarifying Eligibility Determinations for Children Suspected of Having Visual Impairment Including Blindness under the Individuals with Disabilities Education Act (IDEA). The Memorandum explicitly directs states to adhere to IDEA requirements when determining the extent to which a student with visual impairment or blindness seeks special education services. We write today to confirm that the Delaware Department of Education intends to immediately address its narrowly construed eligibility requirements affecting students with visual impairments including blindness.

We recognize that States are permitted to establish standards for eligibility for special education and related services, and are not required to use the precise definition of a disability term set forth in the IDEA, Ms. Ryder's memorandum clearly states that "these State-established standards must not narrow the federal statutory definitions of "visual impairment including blindness". The recently issued memorandum stresses that impairment in vision, regardless of significance or severity, must be included in a State's eligibility criteria, "provided that such impairment, even with correction, adversely affects a child's educational performance." Based upon this mandate, States may not use criteria or other definitions for "visual impairment including blindness" that result in the exclusion of students who experience adverse effects with respect to educational performance because of their visual impairment or blindness.

At present, Delaware's regulations limit eligibility for special educational services as follows:

6.17 Eligibility Criteria for Visual Impairment including Blindness:

6.17.1 Blindness shall be defined as a visual acuity of 20/200 or less in the better eye with best correction, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees.

6.17.2 Partially Sighted shall be defined as a visual acuity between 20/70 and 20/200 in the better eye after best correction, or a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually. Partially sighted shall also include a degenerative eye disease, which in the opinion of a licensed ophthalmologist or optometrist, is expected to reduce, in the future, either visual acuity or visual field, resulting in

partial sight or blindness. A visual impairment may be accompanied by one or more additional disabilities, but does not include visual perceptual or visual motor dysfunction resulting solely from a learning disability.

6.17.3 A licensed ophthalmologist or optometrist shall document that a child has a best, corrected visual acuity of 20/200 or less in the better eye, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees (for blindness), legally blind, or a visual acuity of 20/70 or less in the better eye after all correction, (for partially sighted), or a degenerative eye disease, or has a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually.

To adhere to federal mandates, Delaware must broaden its eligibility regulations to ensure that students with visual impairments including blindness are not impermissibly denied special education services. In addition, the Department must ensure that the state agency to which it has entrusted implementation of such guidelines, fully complies with the federal mandates governing identification of students with visual impairments who qualify for special education services.

Delaware's current eligibility regulations state:

6.17.4 The IEP team shall consider the documentation of visual impairment in addition to other information relevant to the child's condition in determining eligibility for special education under the above definition. (Emphasis added).

The Delaware Division for the Visually Impaired has not consistently adhered to the criteria set forth in Section 6.17.4. Although DVI's leadership recently reported that they conduct functional vision examinations prior to making eligibility determinations, this practice does not satisfy the state's eligibility mandates or the IDEA. Eligibility decisions made outside of the protections afforded by the IEP process are simply unlawful.

We recommend the following steps to ensure that students with visual impairments including blindness gain and maintain access to appropriate special education services:

1. The Delaware Department of Education (DOE) must immediately amend the narrowly drafted eligibility requirements set forth above. Such amendments must include directives to ensure that all students with visual impairments or blindness for whom the IEP team determines that special education services are not appropriate, must be evaluated to determine whether vision-related accommodations warrant implementation of a Section 504 plan. If students require vision-related accommodations under a Section 504 Plan, DVI will provide such services with the frequency and quality required under the Plan.

2. DOE, through an appointed independent monitor, will exercise proper and effective oversight to ensure that an IEP team evaluates every request for provision of education-related services to students with visual impairments including blindness.
3. DOE, through an independent monitor commissioned by the Governor, must voluntarily audit all requests for vision-related services directed to DVI and/ or LEAs between 2007 and 2017 to determine whether IDEA and state procedural requirements have been met. All deficiencies identified must be immediately and fully remediated.

These regulatory changes require immediate attention. We request a written response outlining the Department of Education's plan to address the above-identified issues on or before July 1, 2017. Thank you in advance for your attention and swift action.

Kindest regards,

Sonya Fair Lawrence,

Parent Advocate

APPENDIX 2



Sonya Lawrence

DHSS recommendations and article

2 messages

Veenema Susan

Thu, Feb 15, 2018 at 2:35 PM

To: Sonya Lawrence, Celestin Sarah, Rosswog Sarah, Harrington Debbie

Hi all,

Here is the email we are reviewing today. Thank you for being on the call.

From: Cunningham Emily
Sent: Wednesday, January 24, 2018 5:49:16 PM
To: Mieczkowski MaryAnn
Cc: Hickey Catherine T.
Subject: FW: Regarding 925 tonight per our discussions

[FYI regarding 925...](#)

From: Jenkins, Elisha (DHSS)
Sent: Thursday, January 18, 2018 4:47 PM
To: Cunningham Emily; Magarik Molly
Subject: RE: Regarding 925 tonight per our discussions

Thank you for discussing with me and your assistance.

While we understand the compliance requirement, the Division for the Visually Impaired would have recommended the following proposed regulations for 6.17:

- Eligibility:
 - 1) a medical report by a licensed ophthalmologist or optometrist
 - 2) a functional vision evaluation conducted by a certified teacher of students with visual impairments (TVI) and/or a certified orientation and mobility specialist (COMS)
 - 3) a learning media assessment that must be conducted by a teacher of students with visual impairments (TVI); A learning media assessment (LMA) must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is an impact

(Allowing for both visual eligibility and education and functional impact to be considered)

The proposed regulations are very loose and open to interpretation; There is no specification on who determines eligibility which leaves this open to anyone assuming this role rather than qualified professionals;

In addition, the Division for the Visually Impaired would be evaluating students and allocating resources to those who may not require the services. The Division would also require additional staffing to an already challenged system to assess new students while current students with visual impairments would accrue missed service time to perform the evaluation. Also, conditions that immediately and potentially impact academic and functional impact are not referenced.

Federal law 34 CFR §300.304(c)(4) requires that "the child is assessed in all areas related to the suspected disability" and 34 CFR §300.304(c)(6) 10

To make professional decisions regarding eligibility, an evaluation by a qualified professional should be conducted (34 CFR §300.302).

- IEP team membership should require a Teacher of the Visually Impaired and Certified Orientation and Mobility Specialist as a member of the IEP team to ensure an expert in the field is included in the decision making.

We look forward to ongoing discussions.

Thank you,

Elisha

From: Cunningham Emily

Sent: Thursday, January 18, 2018 4:42 PM

To: Magarik, Molly (DHSS); Jenkins, Elisha (DHSS)

Subject: Regarding 925 tonight per our discussions

This particular revision addresses this special issue brought to the attention of the Delaware Department of Education as part of information provided by the US Department of Education.

The Delaware Department of Education plans a complete, in-depth review of not only this regulation but other special education regulations, as well. Committees have been selected and meetings have already begun.

Emily W. Cunningham

Chief of Staff/Policy Analyst

Delaware Department of Education

Marika Ginsburg-Block, Ph.D.

Associate Professor & Coordinator

School Psychology Program

University of Delaware



adversely affects ed performance law brief highlighted defs.pdf

391K

Sonya Lawrence

To: Sonya Lawrence

Sun, Aug 12, 2018 at 2:39 PM

Sent from my iPhone

Begin forwarded message:

[Quoted text hidden]



adversely affects ed performance law brief highlighted defs.pdf

391K

Meeting #4 – Education Tabled Recommendations Worksheet

Instructions:

Please complete and return your saved word or PDF document to Amanda.McAtee@delaware.gov on or by Thursday, October 10, 2019. Alternatively you may reach Amanda by phone at (302) 744-4114 to share information and responses.

You may also complete this worksheet online at:

<https://www.surveymonkey.com/r/MRHTKRJ>

Thank you in advance for your time and participation. The public may submit this form or use the Survey Monkey link as public comment on these tabled recommendations. If desired, the Survey Monkey option can be completed anonymously.

In this worksheet there are three options for each recommendation.

On a computer, you can choose your selection by using the mouse to right click on the square and then choose the shape fill tool to fill in the square with a color of your choice.

If choosing option three “JLOSC should consider with modifications” please include the modified recommendation and supporting information in a bulleted format in the space provided.

Example: Rec. 0000 – Ordering Pens:

One person should be in charge of ordering pens with black ink once a quarter.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Modify recommendation to state:

One person should be in charge of ordering pens with blue and black ink once a quarter.

- Blue ink is typically used for document signing, since blue ink makes it easier to assume the document is a signed original.

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](https://bit.ly/2H0lhWC) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider without modifications**
- ☒ **JLOSC should consider with modifications**

(e) To meet the instructional needs of students with visual impairments and/or blind, the Division for the Visually Impaired shall employ one (1) TVI Teacher of Visually Impaired Students for every fourteen (14) eligible students or less. ~~(or major fraction thereof) who are eligible to receive services from the Agency.~~

Note: This is an unattainable goal in the face of the National shortage of TVIs.

All TVIs shall provide student instruction that satisfies team-driven individualized educational plans (IEP), including those requiring 12-month entitlement and extended school year services.

Where are digital formats mentioned in this recommendation?

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI)

Education:

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.

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

DVI shall continue to seek out highly qualified TVIs on their websites as well as other websites in the field of vision studies.

DVI shall assemble knowledgeable and interested individuals to develop an educational program that fulfills the Delaware Department of Education requirements for TVI Certification, and present it as an established entity to a local college or university to be housed online.

Note: DVI has presented to the local colleges and universities the program title only. This leaves the facility with the research and the criteria to develop the program, which they are unable and unwilling to do.

The Kutztown University program is partly only. I believe there is a component that of residency that is required on campus. There is also the University of Nebraska program that is similar, but is a Masters level.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 26 – Implementing Education Service Model:

Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

The fee-based schedule is a move in the right direction, to get the salaries for the Agency TVIs comparable with the School Districts, but it is not fair nor perpetual. Each school district does not know when or how many visually impaired students will arrive in advance. If all the school districts in Delaware participated in contributing per all students enrolled at the start of school, it would be more equitable.

A model could be taken from the Eastern Shore of Maryland Educational Consortium. Each of the nine participating school districts submit per capita of the students in their district.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

A suggested rewording:

DVI shall provide braille instruction to students based on their eligibility and Team-driven Individual Educational Plan (IEP).

?Option: Codify this recommendation in DVI's governing statute.? I do not understand this option.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

Yes, I do believe that the educational services should be relocated under the Department of Education.

1. The Department of Education is the responsible for the education of the children in the State of Delaware.
2. There is no regulation over the teachers of the Agency. Unlike a District TVI, there are no set observations nor review of lesson plans. If they do not know what they are doing, they don't have anyone more knowledgeable to turn to.
3. Other specialized areas are under the Department of Education. i.e. there is no Agency for the Hearing Impaired in the State of Delaware, Autistic, Learning Disabled, Attention Deficit, etc.
4. There are no programs for the agency staff to join appropriate Professional Development. Many times a District TVI is required to write the student's IEP, but the Agency TVI sends in their goals to be incorporated into the IEP. When do Agency teachers attend information on providing the expertise needed at an IEP?
- 5.

Meeting #4 – Education Tabled Recommendations Worksheet

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](#) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider without modifications**
- ☒ **JLOSC should consider with modifications**

A teacher must be in the classroom with the student(s). Supports this ratio.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

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 the DOE and work to bring meaningful modifications to the agreement.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 26 – Implementing Education Service Model:

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Teachers would need certifications to teach braille.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

DVI staff should be present when developing an IEP.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

Yes, relocating services would provide better financial resources and have better access to teachers and instruction. Oversight is important.

Responses from Darlene Cole

Instructions:

Please complete and return your saved word or PDF document to Amanda.McAtee@delaware.gov on or by Thursday, October 10, 2019. Alternatively you may reach Amanda by phone at (302) 744-4114 to share information and responses.

You may also complete this worksheet online at:

<https://www.surveymonkey.com/r/MRHTKRJ>

Thank you in advance for your time and participation. The public may submit this form or use the Survey Monkey link as public comment on these tabled recommendations. If desired, the Survey Monkey option can be completed anonymously.

In this worksheet there are three options for each recommendation.

On a computer, you can choose your selection by using the mouse to right click on the square and then choose the shape fill tool to fill in the square with a color of your choice.

If choosing option three “JLOSC should consider with modifications” please include the modified recommendation and supporting information in a bulleted format in the space provided.

Example: Rec. 0000 – Ordering Pens:

One person should be in charge of ordering pens with black ink once a quarter.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

Modify recommendation to state:

One person should be in charge of ordering pens with blue and black ink once a quarter.

- Blue ink is typically used for document signing, since blue ink makes it easier to assume the document is a signed original.

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](#) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ JLOSC should not consider
- ☐ JLOSC should consider without modifications
- ☒ JLOSC should consider with modifications

1. The ratio should be revised, and based on the number of instructional hours, rather than the number of students, since there are a large number of students receiving monthly consult services.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

1. The MOU needs to be monitored and enforced by DOE.

Rec. 26 – Implementing Education Service Model:

219

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

1. This should be implemented in the upcoming school year. This will ensure that students receive the services that are needed.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

1. Yes, DVI/Education/O&M should be relocated to DOE
2. DVI does not have the level of knowledge to assess, implement, monitor and/or enforce educational services.
3. Teachers(TVI's) and COMS (certified Orientation and Mobility Specialists, which are classified as special education teachers for salary only) would then be required to meet the same requirements as a special education teacher in the DOE/District structure.
4. Certified Orientation & Mobility Specialist currently are not required to have an education degree and are often are educated using an adult model for service delivery, which does not work effectively for children.

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ JLOSC should not consider
- ☐ JLOSC should consider without modifications
- ☒ JLOSC should consider with modifications

This recommendation is statutory and must be addressed in legislation. Also, the necessary statutory changes are broader and not limited to para (e) of section 206. See attached recommended draft changes to Title 14, Chap 2 and Title 31, Chap 21.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications

☒ **JLOSC should consider with modifications**

Due to limited access to certified TVI, O&M, and AT professionals²²³ Delaware requires at least one of its colleges to create a graduate level vision program that would produce vision professionals. Recommend using Representative Longhurst legislation to increase and improve speech therapy services as a template for how to move forward.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Currently there is a MOU that requires changes. See MOU recommended changes submitted to task force.

Rec. 26 – Implementing Education Service Model:

Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

- Level 1 (up to 8 consults/year) @ \$1,900 per student
- Level 2 (1 meeting/week) @ \$4,500 per student
- Level 3 (2-3 meetings/week) @ \$12,600 per student
- Level 4 (4 meetings/week) @ \$14,300 per student

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

- ☐ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☒ JLOSC should consider with modifications

Braille instruction is lawful. Refer back to Recommendation 3 proposed legislative changes. Combine rec#27 with rec#3. It is the IEP that makes that determination not the assessment alone.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

- ☒ JLOSC should not consider
- ☐ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

This recommendation is unclear. There is no other reason to be on an IEP team except to provide professional expertise; however, there is no one individual on the IEP team with single decision making authority. All IEP provisions are decided by the team and highly influenced by the parent and/or student.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

This question is not one of the 2-29 recommendations. Is it a question that the legislators have asked the task force to answer?

225

Should VR, AT, O&M, Material Center relocate? Education for students who are visually impaired is much more extensive than simply asking should education services relocate. What is included in “education services”?

Nonetheless, students should be educated in a system with checks and balances that is resourced to provide quality education by exceptionally qualified professionals. DVI has no IDEA oversight, authority, nor obligation. IDEA is not enforceable through DVI. Delaware HB226 requires a three tiered licensure and certification program that is not established in DVI. There has been no effort to secure services with funding provisions through legislation. Titles 14 and 31 have not been updated in more than two decades. Title 31 still refers to the agency as a Commission. Furthermore, the leadership changes and employee turnover continue to degrade organizational effectiveness. The seriousness of this for the community, particularly for young people, is dire. Therefore, education in its entirety should be relocated to an education institution.

I submit the following recommendations to be addressed by the task force and included in the final report:

JLOSC must determined the best organizational structure and oversight design to provide innovative, research based, technologically advanced services to all individuals who are blind or visually impaired so that each person is able to live independently to his/her extent possible and the service provisions mandated in Titles 14 and 31 are kept relevant and expertly accomplished?

Delaware requires program oversight authority.

Title 14 - Definitions

“Visual Impairment Including Blindness” means impairment in vision that, even with correction,

adversely **affects a child's educational performance**. The term includes both partial sight and blindness.

(Authority: 20 U.S.C. 1401(3); 1401(30); 14 Del.C. 3110)

Title 14, Ch. 2 DEL Code

§ 206. Braille literacy rights and education of students with visual impairments including blindness.

(a) In developing the individualized written education program for each student who is blind with a visual impairment including blindness the presumption shall be that proficiency in Braille reading, writing, and mathematics is essential for each student to achieve satisfactory educational progress. The assessments required for each student must be performed by a certified teacher of the visually impaired and shall include an evidence based learning media assessment, functional vision assessment, Braille skills inventory, and any additional assessment tools necessary to determine the extent to which the student requires Braille instruction to achieve satisfactory educational progress. Braille skills inventory, including a statement of strengths and weaknesses . Braille instruction and its use are mandated by this section unless, in the course of developing the student's individualized educational program, all members of the team concur that the student's visual impairment does not affect his or her educational performance Nothing in this section requires exclusive use of Braille if other special education services are appropriate to the student's needs. The provision of other appropriate services shall not preclude Braille use or instruction.

(b) Instruction in Braille reading, writing, and mathematics shall be sufficient to enable each student who is blind with a visual impairment including blindness **to communicate effectively and efficiently with the academic** proficiency expected of the student's grade level. The student's individualized educational plan program shall specify:

- (1) The results obtained from the inventory required in subsection (a) of this section;
- (2) How Braille will be implemented for learning through integration with other classroom activities;
- (3) The date upon which Braille instruction will commence and the frequency and duration of each instructional session;
- (4) That Braille instruction shall only be provided by a certified teacher of students of the visually impaired frequency and duration of each instructional session;

(5) The level of competency in Braille reading, writing, and mathematics to be achieved by the end of the period, and the objective assessment measures to be used; and

(6) The evidence used to determine that the student's ability to read, write, and perform grade-level mathematics effectively without special education services will not be impaired if a decision has been made under subsection (a) of this section that Braille instruction or use is not required for the student.

(c) Each publisher of textbooks purchased by Delaware School Districts must, in addition to granting copyright permission for transcription into Braille, large print or electronic format for visually impaired students as already established by law, must furnish to the Division for the Visually Impaired, a print copy, and when requested, with computer diskettes electronic formats in the American Standard Code for Information Interchange (ASCII) from which Braille versions of the texts can be produced. The print copy is also required since the accompanying graphics must be reproduced by hand, and some subject matter, such as mathematics must still be hand transcribed.

(d) As part of the certification process, all certified teachers of the visually impaired teachers of students with visual impairments, shall be required to demonstrate proficiency in Braille instruction. The Department of Education shall require proof of a passing score from an accredited National Blindness Professional Certification Board (NBPCB) program for certification in Unified English Braille (UEB). on the Library of Congress Braille Competency Test (when it is completed and validated), or any comparable, nationally recognized validated test.

(e) To meet the instructional needs of students who is blind with visual impairments including blindness the Division for the Visually Impaired shall employ one (1) teacher of students with visual impairments for every 28 fourteen (14) 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 instruction to satisfy individualized educational programs requiring 12-month entitlement and extended school year services. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

(f) To meet the educational requirements of students with visual impairments including blindness, the Division for the Visually Impaired shall also employ:

(1) Paraeducators for a period of 12 months at the rate of 1 for each 80 students enrolled with the Division for the Visually Impaired; All newly hired teacher aides paraeducators will be required to achieve certification as Braille transcribers through the Library of Congress an accredited National Blindness Professional Certification Board (NBPCB) program within 2 years of employment.

(2) Certified Assistive Technology Instructors with demonstrated competence in analyzing the needs of consumers with disabilities, assisting in the selection of appropriate assistive technology for the consumers' needs, and providing training in the use of the selected devices. The Division for the Visually Impaired shall employ one (1) Certified Assistive Technology Instructor for every 30 students (or major fraction thereof) who are eligible to receive services from the Agency.

(3) Reading Specialist. DVI shall employ one (1) certified reading specialist per county for a total of three (3) to serve students with visual impairments including blindness in grades K-12. The reading specialist will work with grade-level teams to implement sustainable literacy programs and accomplish systemic change for students with visual impairments including blindness.

(4) Educational diagnostician f DVI shall employ one (1) certified educational diagnostician per county for a total of three (3) to serve students with visual impairments including blindness. The Educational diagnostician will play a significant role in assessing and diagnosing the learning needs and challenges of students with visual impairments including blindness.

70 Del. Laws, c. 237, § 1; 71 Del. Laws, c. 180, § 19; 78 Del. Laws, c. 179, § 132.;

TITLE 31

Welfare

Welfare Agencies

CHAPTER 21. DELAWARE COMMISSION FOR THE BLIND DIVISION FOR THE VISUALLY IMPAIRED

§ 2101. Definitions.

As used in this chapter:

(1) "Commission" or "Delaware Commission for the Blind" or "Department" means the Department of Health and Social Services. "Division" means the Division for the Visually Impaired.

(2) "Person who is blind with blindness" means one who is totally blind or has visual acuity of not more than 20/200 in the better eye with correction or whose vision is limited in field so that the widest diameter subtends an angle no greater than 20 degrees.

(3) "Person with a visual impairment"

Code 1935, § 3050A; 46 Del. Laws, c. 88; 31 Del. C. 1953, § 2101; 57 Del. Laws, c. 591, § 37; 78 Del. Laws, c. 179, § 326.;

§ 2102. Persons ~~with blindness and visual impairments who are blind~~; supervision, training and welfare.

The Department Division shall have supervision and control of the education, training and welfare of persons ~~who are blind~~ with blindness and visual impairments residing in the State.

31 Del. C. 1953, § 2102; [57 Del. Laws, c. 591, § 38](#); [78 Del. Laws, c. 179, §§ 327, 328.](#);

~~§ 2103. Duties; appointment of instructor of persons who are blind; expenditures.~~

~~The Commission shall have general supervision and control of the education, training and welfare of persons who are blind residing in the State, and for that purpose shall from time to time select and appoint suitable persons to be instructors of persons who are blind. The instructors shall at all times be under the sole control of the Commission and shall be employed upon such terms and shall do and perform such duties for such periods and in such manner as is determined by the Commission.~~

The Division for the Visually Impaired shall have the following powers, duties and functions:

(1) To supervise in the provision of itinerant education services in all locations coordinated by the Division, with the Education Unit of the Division being considered a local education agency only for purposes of:

(i) Any federal, state, or private loan forgiveness programs available to educators;

(ii). Any federal, state, or private competitive grant made available to, and awarded directly to, local education agencies, provided that any specific qualifying requirements are met;

(iii) Credits issued for youth who complete the requirements for credit-bearing courses provided through the Education Unit in the Division;

(2) To provide employment services, including those authorized under the Randolph Sheppard Act, in all locations coordinated by the Division;

(3) To provide independent living services in all locations coordinated by the Division.

[25 Del. Laws, c. 73, § 3](#); Code 1915, § 2576; Code 1935, § 3049; 31 Del. C. 1953, § 2104; [78 Del. Laws, c. 179, §§ 329-331.](#);

§ 2104. Commission's power to acquire and dispose of property; exemption of property from taxation.

The Commission may solicit, purchase or otherwise acquire, hold, own, mortgage, sell or assign real and personal property, may, solicit, accept and receive any private funds, bequests, legacies or gifts of property real and personal to be used for the education and training of persons who are blind and may hold, manage and invest the same and collect and disburse the income thereof, and disburse the principal thereof, in accordance with the directions of the parties devising or donating the same. In default of any such direction, the Commission shall accept, hold, manage and dispose of the property and disburse the income thereof in any manner which it deems best adapted to promote the education, training and welfare of persons who are blind residing in the State. The Commission may hold, own, sell

and dispose of any such property, real, personal or mixed so purchased or received and may reinvest the proceeds from the sale of any of the property and collect and disburse the income therefrom and the principal thereof in the manner above outlined. The property of the Commission shall be exempt from taxation.

[25 Del. Laws, c. 73, § 8](#); [27 Del. Laws, c. 101](#); Code 1915, § 2580; Code 1935, § 3053; 31 Del. C. 1953, § 2105; [75 Del. Laws, c. 385, § 2](#); [78 Del. Laws, c. 179, § 332](#);

~~§ 2105. Expenditures by Commission.~~ [Division.](#)

~~The Commission may expend such sums of money as it deems proper and necessary for effectuating the objects of this chapter. Such sums of money shall not in the aggregate in any 1 year exceed the sum of money appropriated to the Commission for such purposes.~~

[25 Del. Laws, c. 73, § 3](#); Code 1915, § 2576; Code 1935, § 3049; 31 Del. C. 1953, § 2106.;

~~§ 2106. Payment of expenses of the Commission.~~ [Division](#)

All expenses of the Commission for salaries and wages, office expenses, operation, working capital, materials, repairs and replacements, travel and other expenses in connection with carrying out the duties of the Commission shall be paid by the State Treasurer out of funds appropriated by the General Assembly for such purpose, on vouchers issued by the proper officer or officers of the Commission.

[32 Del. Laws, c. 26, § 16](#); [37 Del. Laws, c. 81](#); Code 1935, §§ 3050, 3054; 31 Del. C. 1953, § 2107.;

~~§ 2107. Eligibility and applications for instruction.~~

Any [individual who meets the definitions of a person with blindness or a visual impairment as stated in § 2101 may seek services from the Division.](#) ~~adult person who is blind who is a resident of the State may make application to the Commission to receive instruction and training from the instructors. The application shall be in writing and shall be endorsed by at least 2 substantial citizens residing in the community in which the applicant resides. The Commission may pass upon the application and may grant or refuse the same at its discretion. It shall indicate at what time the instruction shall commence, for how long it shall continue, and when it shall determine, and may discontinue the instruction whenever to it it shall seem wise or proper so to do.~~

[25 Del. Laws, c. 73, § 4](#); Code 1915, § 2577; Code 1935, § 3050; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2108; [78 Del. Laws, c. 179, § 333](#);

~~§ 2108. Duty of agencies, physicians and nurses to report persons~~ [with blindness and visual impairments](#) ~~who are blind.~~

Every health and social agency, attending or consulting physician or nurse shall report to the Delaware [Division for the Visually Impaired](#) ~~Commission for the Blind~~, in writing, the name, age and residence of persons who are blind within the definition of blindness [and visual impairment](#) as set forth in this chapter and in such cases shall furnish such additional

information as the Commission requests for registration, habilitation and/or prevention of blindness.

~~Code 1935, § 3050A; [46 Del. Laws, c. 88](#); 31 Del. C. 1953, § 2109; [78 Del. Laws, c. 179, § 334](#);~~

~~§ 2109. Duty of parents and guardians to obtain instruction for children who are blind; powers of Commission and Governor.~~

~~(a) Every parent, guardian or other person having custody or control of a child who is blind between the ages of 7 and 18 years residing in this State shall cause the child who is blind to receive instruction and training adapted for persons who are blind for at least 6 months in each year until the child has attained the age of 18 years.~~

~~(b) Any child who is blind may be excused by the Commission from receiving instruction and training upon the presentation to the Commission of satisfactory evidence that the child is not in proper physical or mental condition to receive instruction and training.~~

~~(c) A parent, guardian or other person having custody or control of any child who is blind shall make application to the Commission for instruction and training for the child upon receipt of a notice from the Commission to that effect. The Commission shall grant or refuse such application at its discretion.~~

~~(d) The amount paid by the Commission to any school or institution outside Delaware for the education of each Delaware child who is blind enrolled therein shall not be greater than the amount paid by the state in which the institution is located for each of its children who are blind enrolled therein.~~

~~Code 1915, § 2578; Code 1935, § 3051; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2110; [49 Del. Laws, c. 189, §§ 1, 2](#); [78 Del. Laws, c. 179, §§ 335-338](#);~~

~~§ 2110. Visitation of institutions outside of State.~~

~~The Commission shall appoint a representative to visit the institutions outside this State wherein children who are blind of this State are maintained and instructed in order to ascertain whether or not they are receiving proper treatment and instruction and are making such improvement or advancement as will justify the State in incurring the necessary expenses attached to their remaining in such institutions.~~

~~[26 Del. Laws, c. 144](#); Code 1915, § 2583; Code 1935, § 3056; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2111; [49 Del. Laws, c. 189, § 3](#); [50 Del. Laws, c. 142, § 1](#); [78 Del. Laws, c. 179, § 339](#);~~

~~§ 2111. Payments for vocational rehabilitation.~~

~~(a) The Commission **Division** is the authorized agency for vocational rehabilitation of Delawareans who are blind or visually impaired and may pay for the training, maintenance and physical restoration of the persons of this State who are blind who are found to be eligible for vocational rehabilitation services.~~

(b) All payments authorized by this section shall be made by the State Treasurer upon proper voucher.

[27 Del. Laws, c. 102, §§ 1-3](#); Code 1915, § 2584; Code 1935, § 3057; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2112; [49 Del. Laws, c. 189, § 4](#); [78 Del. Laws, c. 179, §§ 340, 341.](#);

~~§ 2112. Penalties.~~

~~(a) Whoever, being a parent, guardian or other person having control of a child who is blind, violates this chapter shall be fined not less than \$2.00 nor more than \$10, and, in default of payment of fine, shall be imprisoned not more than 10 days.~~

~~(b) Justices of the peace shall have jurisdiction of offenses under this section.~~

~~(c) Any person convicted under this section shall have the right of an appeal to the Court of Common Pleas of the county in which the conviction was had, upon giving bond in the sum of \$100 to the State with surety satisfactory to the justice of the peace by whom the person was convicted. Such an appeal shall be taken and bond given within 3 days from the time of conviction.~~

~~[25 Del. Laws, c. 73, § 6](#); Code 1915, § 2579; Code 1935, § 3052; 31 Del. C. 1953, § 2113; [69 Del. Laws, c. 423, § 25](#); [78 Del. Laws, c. 179, § 342.](#);~~

~~§ 2113. Limitations on applicability of chapter.~~

~~This chapter shall not apply to any child who is blind who is being otherwise instructed and educated in a manner satisfactory to the Commission.~~

~~[25 Del. Laws, c. 73, § 7](#); Code 1915, § 2582; Code 1935, § 3055; 31 Del. C. 1953, § 2114; [78 Del. Laws, c. 179, § 343.](#);~~

§ 2114. Use of products and services of persons who are blind by state agencies; exceptions; penalty.

(a) State institutions and agencies shall, where possible, purchase **promotional products** brooms, mops, rugs, rubber mats and other supplies, other than the product of prison labor, from the Commission **Division**; provided, that such goods and supplies are **within ten percent of fair market value in terms of** of standard quality and price.

(b) State institutions and agencies requiring piano tuning or chair seating shall employ persons recommended by the Commission; provided, that such persons are qualified and the service rendered is of standard quality and price.

(c) When convenience or emergency requires it the executive secretary of the Commission may upon request of the purchasing officer of any institution or agency relieve the purchasing officer from the obligation of this section.

(d) Any purchasing officer who violates this section **shall be reported to the State Auditor of Accounts** shall be guilty of a misdemeanor and punished accordingly.

31 Del. C. 1953, § 2115; [49 Del. Laws, c. 146, § 1](#); [70 Del. Laws, c. 186, § 1](#); [78 Del. Laws, c. 179, § 344.](#);

~~§ 2115. Soliciting public donations for the blind; registration; violations.~~

~~Repealed by 59 Del. Laws, c. 566, § 2, effective July 29, 1974.~~

~~§ 2116. Contracts for library services.~~

~~The Commission **Division** may contract with any public library for that library to render library service to persons who are blind throughout the State and the Commission may reasonably compensate such public library for the cost of the service it renders under such contract.~~

31 Del. C. 1953, § 2117; [53 Del. Laws, c. 367](#); [78 Del. Laws, c. 179, § 345.](#);

~~§ 2117. Relating to persons who are blind and "seeing eye dogs"; penalties.~~

~~(a) Any person who by reason of loss or impairment of eyesight or hearing is accompanied by a dog described as a "seeing eye dog," or any dog educated by a recognized training agency or school, which is used as a leader or guide, is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort and other places to which the general public is invited and shall be entitled to take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied; provided, that the dog shall not occupy a seat in any public conveyance.~~

~~(b) Any person, firm or corporation who deprives any person suffering from such loss or impairment of eyesight or hearing of any right conferred by subsection (a) of this section shall be fined not more than \$100, or be imprisoned for a period not exceeding 3 months, or both and for every such offense such person shall forfeit and pay a sum of not more than \$100 to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where such offense was committed.~~

~~31 Del. C. 1953, § 2118; [57 Del. Laws, c. 162](#); [64 Del. Laws, c. 389, §§ 4, 5](#); [78 Del. Laws, c. 179, § 346.](#);~~

Meeting #4 – Education Tabled Recommendations Worksheet

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](#) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ JLOSC should not consider
- ☐ JLOSC should consider without modifications
- ☐ JLOSC should consider with modifications

JLOSC should consider with no modifications

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:
 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.

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

Rec. 26 – Implementing Education Service Model:

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

JLOSC will need to find a funding source.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

I do not think education services should be relocated. I think DVI's expertise is critical to students success. I think the blind students would get lost in the shuffle.

Meeting #4 – Education Tabled Recommendations Worksheet

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](#) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider without modifications**
- ☒ **JLOSC should consider with modifications**

This is a part of the strategic plan and already in the recommendations from the previous task force. However, without funding, recruitment ability, and competitiveness and culture improvements, such vacancies will continue to plague this organization and students will go unserved as with the current state. DVI must employ those recommendations and incentive ideas documented in the previous task force.

****as a point of education, track changes are difficult for persons with visual impairment or blindness to interpret. The screen reader does not permit a way to understand or interpret this.**

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI shall work with the Governor’s office to establish a teacher certification program aimed at increasing the number of certified teachers of the blind at one or more of the institutions of higher learning in Delaware.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Since education should be ultimately taken away from DVI, there is no reason to place energy on this recommendation. Additionally, there is no need to place a protocol on something that should be happening already while DVI had education.

Rec. 26 – Implementing Education Service Model:

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

It is unclear who would pay for substandard services which DVI currently provides.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

The recommendation should include that the IEP team as a unit, not one individual nor DVI solely, should determine whether a student does or does not receive Braille instruction.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

DVI does not have the expertise nor the resources to complete this task. Therefore, there should be no consideration.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

Absolutely! DVI is not nor has it ever been an agency properly equipped to implement proper educational services. DOE should have long ago taken this over to ensure that students in Delaware were properly educated. This has had long lasting effects on the high unemployment rate in this community and the inability to impact this trend over the decades. The current teachers are ill-equipped, have no professional performance standards, nor does the leadership understand how to be transformational to ensure teacher compliance and capability building with the agency. Education must leave DVI and hopefully DOE can turn the tide in this deplorable situation.

Responses from Erin Weaver, Statewide Coordinator of Education Services for the Blind & Visually Impaired, Teacher of the Blind & Visually Impaired²⁴²

Meeting #4 – Education Tabled Recommendations Worksheet

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](#) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

- ☐ JLOSC should not consider
- ☐ JLOSC should consider without modifications
- ☒ JLOSC should consider with modifications

DVI does not support a teacher student ratio of 1:14. DVI supports best practice in which caseload determination is based on individual student needs as demonstrated by the results of a rigorous and thorough assessment and the IEP process.

Caseloads based on a random number only ensures that a teacher will be assigned (X) number of students and no more. It does not ensure students will receive the appropriate service time necessary to meet their educational goals. For example, if a teacher is assigned 14 braille students each requiring 60 minutes of daily instruction, 8 students will receive no service at all.

Please see the Association for the Education and Rehabilitation of Persons who are Blind and Visually Impaired white paper regarding caseload determination @ <https://aerbvi.org/resources/publications/position-papers/>

Below is the written text, however it is missing the graphics which can be seen at the above link.

Position Paper:

Caseloads Based on Students' Assessed Needs

Instructional Continuum

(Developed by Dr. Wendy Sapp, Anthony Blades, and Judy Cernkovich)

Appropriate caseload size for the itinerant teacher of students with visual impairments is based on the needs of the individual students on that caseload. These needs are determined through a thorough assessment of the individual student's strengths and needs that are used to develop an appropriate education plan.

Assessment

The initial step in the process of determining caseload size for the itinerant teacher of students with visual impairments is assessment. IDEA (1997) states that all children receiving special education services must be evaluated in all areas of suspected disability and using "assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child" (Sec. 1, PT. B, Sect. 614). For students with visual impairments, assessment should include, at a minimum, a functional vision assessment, a learning media assessment, and assessment in the expanded core curriculum for students with visual impairments.

A functional vision assessment (FVA) is vital to determine the visual needs of the learner with a visual impairment. A report from an eye care practitioner is used to gather information about etiology, treatments, and prognosis, but it is not sufficient to address the visual needs that the student has in the educational setting. A certified teacher of students with visual impairments, or in some cases a certified orientation and mobility specialist, will complete the FVA. A FVA consists of observations, direct assessment of functional visual skills, and interviews with the student, parent, and other educational staff. Functional vision evaluation occurs when a child is first referred for services due to a visual impairment and continues as an ongoing process following a student's placement in the program for students with visual impairments.

A learning media assessment (LMA) is "an objective process of systematically selecting learning and literacy media for students with visual impairments. This assessment process guides the educational team in making deliberate and informed decisions on the total range for instructional media needed to facilitate learning for students with visual impairments" (Koenig & Holbrook, 1993, p.1). The LMA is completed by a certified teacher of students with visual impairments and consists of an assessment of the student's sensory channels and use of learning media. The LMA includes observations of students completing tasks in order to determine the student's primary and secondary way of accessing information. Learning media could be visual tactual, auditory, or a combination of all three. Evaluation of the student's sensory channels is accompanied by assessment of the student's ability to read and write using a variety of media including regular print, regular print with optical devices, large print, and Braille. In addition, a student's ability to access distance information, such as overhead projectors and classroom bulleting boards should be evaluated.

The expanded core curriculum (ECC) consists of those areas of instruction, which require specialized instruction for the students with visual impairments (Hatlen, 1996). The areas of the ECC are compensatory/academic skills, social skills, orientation and mobility skills, independent living skills, recreation and leisure skills, career skills, technology skills, self-determination and visual efficiency skills. A teacher of students with visual impairments collaborates with the other team members to conduct the assessment of these skills. Team members may include family members, special and general education teachers, school psychologists, physical therapists, occupational therapists, speech and language pathologists, and orientation and mobility specialists.

IEP Development Based on Assessment

Following a complete and comprehensive assessment, the team develops an individualized education plan (IEP) for the student. The evaluation is used as the basis for determining the student's strengths and needs which are written into statements of present levels of performance. The needs are prioritized with input from all team members including the family and student. Prioritization does not necessarily eliminate any of the needs. The needs are prioritized without regard to the availability of services, but rather on the needs that are identified in the evaluation.

After the priorities are made, goals and objectives are written based on the team's priorities. Goals and objectives are related to the general curriculum but address the unique learning needs of the student with visual impairments. Each of the goals should be directly tied to an area of need identified in the assessment. Goals must provide services necessary for the child to "progress in the regular curriculum" and meet the child's "other educational needs that result from the child's disability" (IDEA, 1997, Sec. 1, Pt. B., Sec. 614). Goals will include instruction in areas of the ECC that were identified as areas of need by the assessment.

After the goals and objectives are written, the team decides how much time is needed from each specialist for the student to achieve these goals. The time determined is based solely on the time needed to achieve the goals and not on the availability of service providers.

The individualized education plan is used when planning instruction. Objectives from the IEP are always provided in the least restrictive environment and are embedded into routines and lesson in the natural environment whenever possible. Data is regularly collected over time to chart the progress of each goal. This data is then used to determine the effectiveness of the instruction provided.

Caseload Based on IEP Services

The caseload of the itinerant teacher of students with visual impairments is directly impacted by the federally mandated IEP process outlined above. The number of hours a student is served by a teacher of students with visual impairments is based solely on the identified needs in the IEP. In determining an appropriate caseload for an itinerant teacher of students with visual impairments, the following factors must be considered: direct service hours needed to implement IEP goals, time for preparation of materials, time spent in collaboration and consultation with other team members, time spent in assessment, and driving time to reach schools. An itinerant teacher's caseload must allow enough time in the contracted workweek to complete these responsibilities for each student.

When the federally mandated process of assessment and IEP development is followed, the amount of service provided by a teacher of students with visual impairments is determined by the IEP team and based on the assessed needs of the student. A teacher's case load should be based on the time needed for the student to achieve the IEP goals, including time for direct service, collaboration/consultation, lesson and material preparation, assessment, and driving. Caseloads based on the assessed needs of students will ensure that students will receive the amount of service necessary to meet their educational goals.

References

Koenig, A. J., & Holbrook, M. C. (1993). Learning media assessment of student with visual impairments: A resource guide for teachers. Austin, TX: Texas School for the Blind and Visually Impaired.

Hatlen, P. (1996). The expanded core curriculum for students with visual impairments, including those with additional disabilities. Review, 28(1), 25-32.

Prepared September 2013

Process of Determining Case Load Based on Student's Assessed Needs

Please see attached white paper the Association for the Education of the Blind and Visually Impaired. <https://aerbvi.org/resources/publications/position-papers/>

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

DVI's has successfully recruited 12 special education teacher over the past three years. Seven of which have completed their TVI certification through the Alternate Route to Certification (ARTC) program. The remaining five are in the process of obtaining their TVI certification through the ARTC program.

DVI participates in a variety of outreach programs such as "Teach in Delaware Day", a recruiting fair for all undergraduate and graduate students, as well as alumni, who are pursuing or considering careers in K-12 education held annually at the University of Delaware.

Discussions are being held with universities to explore the development and implementation of a course regarding visual impairments. Other discussions have led to opportunities in which DVI staff members are introducing graduate and undergraduate students to careers related to the field of visually impaired and providing sensitivity training. These career introduction and sensitivity trainings are also being conducted at the high school, middle school, and elementary school levels.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Reviewing and updating the current MOU would be beneficial to all entities. The updated MOU could include communication and procedural guidelines.

Reviewing and updating the current MOU would be beneficial to all entities. The updated MOU could include communication and procedural guidelines.

DVI and DOE have been meeting on a monthly basis for many years in which updates and challenges are shared. Where challenges occur, a plan of action is developed with roles and responsibilities

Rec. 26 – Implementing Education Service Model:

Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

- Level 1 (up to 8 consults/year) @ \$1,900 per student
- Level 2 (1 meeting/week) @ \$4,500 per student
- Level 3 (2-3 meetings/week) @ \$12,600 per student
- Level 4 (4 meetings/week) @ \$14,300 per student

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Consideration of a system that allows DVI to provide services based on a fee per service model would be beneficial. Currently, DVI is unable to provide services to students who receive services in Delaware but reside in neighboring states.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

☒ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

DVI already follows this practice and worked collaboratively with DOE to ensure this is addressed thoroughly at all IEP meetings. Evidence of this can be seen by the addition of Box 7 which states:

"If the student is blind or visually impaired, Braille literacy instruction is to be provided regardless of their education classification. If the IEP team has determined, after an evaluation of the child's reading and writing skills, needs, and appropriate media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that Braille instruction is not appropriate at this time, a specific explanation of why such services are inappropriate must be provided."

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

As a member of the IEP team, DVI already provides expertise to teachers, specialists, and counselors in the development of an IEP.

The development of procedures to ensure DVI is invited to the IEP meeting is essential. DVI staff has been and continues to experience a lack of notice for IEP meetings. They have either not received notice or received an extremely short notice (2 days).

The development of mandated release time for DVI to meet with teachers, specialists, and counselors prior to the student entering the classroom and collaboration time throughout the year will create a stronger educational program for the students.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

I do not believe education services should be moved from the Division for the Visually Impaired to the Department of Education. TVIs and COMS work closely with each unit within the Division for the Visually Impaired. Communication and the delivery of services is coherent and efficient. Service for students with visual impairments would become disjointed if moved and place in another Department.

Responses from Survey Monkey, user #1 Loretta Harper-Brown

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

There is a national shortage but DVI can implement marketing strategies to attract and groom our young people to select this career field.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:

Amanda.McAtee@delaware.gov

YES

Please provide comments supporting your answer.:

DVI students would benefit from DOE from a financial perspective. I believe the student ration would better align if more funding is available to support students.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Loretta Harper-Brown

Responses from Survey Monkey, user #2 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

The families have the right to refuse braille instruction, if submitted in writing at each IEP meeting. Also, if the assessment deems learning braille is inappropriate, DVI should not be pressured to provide a

service that is unnecessary so they can focus their energies on students who need more time.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

NO

Please provide comments supporting your answer.:

The Department of Education wouldn't be able to specialize or individualize the program nearly as well as what DVI is currently doing. Relocation education services to DOE would jeopardize and potentially alienate students because of the changes DVI would be required to do.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey, user #3 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Not all students require the same instruction time- employment should be based on student need and assessed regularly based on current need in the state. "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." --confusing phrasing. Must all teachers then be 12 month employees? That will undoubtedly inhibit DVI's ability to recruit new teachers.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Needs more specific info. How would DVI do this? What kind of public outreach and education programs?

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

I do not have enough knowledge in this area to adequately answer this question.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Should not be phrased this way. DVI shall provide braille instruction to students if assessment indicates it is appropriate.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Provide expertise is odd phrasing. Maybe provide training or PD?

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:

Amanda.McAtee@delaware.gov

NO

Please provide comments supporting your answer.:

DVI as its own agency, including education, allows for continuity of services across disciplines and over an individual's lifespan. Moving the education unit out of DVI would hurt this continuity of services and impede vital communication between education, O&M, VR, and ILS.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey, user #4 Karen Blankenship

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Our professional organization completed a two-year study on caseload and determined that a formula such as the one you are proposing does not work and they recommended participating in Quality Programs for Students with Visual Impairments (QPVI) to get a more accurate count of needed professionals. QPVI uses a workload profile to determine staffing needs that are based on the assessed needs of students. Delaware has participated in QPVI for a few years and has increased staff as needed to meet the assessed needs of students. Although a one-14 ratio sounds reasonable if you had 14 early braille students it would be impossible to meet the recommended 1.5-2.0 hours daily instruction.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

There MUST be a direct link between the DOE and services. TVIs need access to the IEPs and other pertinent information on the students they serve. There should be a collaboration in defining services whether the LEA employs their own TVI or if DVI provides the service.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider without modifications, keep this recommendation as written.

Suggested modifications or comments:

Research supports daily instruction for students who are emerging braille or low vision readers. I would add adjust the levels to include daily instruction.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Suggested modifications or comments:

This is already in federal law but most states have reiterated in state law.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

YES

Please provide comments supporting your answer.:

There is a distinct advantage to being under the DOE such as alignment with state law and recommendations, easy access to student specific information, and update on state initiatives.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Karen Blankenship

Responses from Survey Monkey, user #5 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should not consider this recommendation.

Suggested modifications or comments:

A fee for services should not be implemented as it relates to education. Students who are visually impaired or blind may require additional hours or services than those listed above.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should not consider this recommendation.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

YES

Please provide comments supporting your answer.:

Yes education services should be relocated to DOE. They should be apart of DOE because they are providing educational services to students. Teachers of the visually impaired and blind should be grouped by schools because sometimes there might be more time needed with one individual over another during a particular week. They need to be governed and directed under the states special education department and assigned to school districts in order to ensure that all students that are blind and visually impaired are free appropriate public education in a holistic manner. The teachers of blind and visually impaired have a specialty, however they need to be fully immersed in the educational plan and process of students. Students that are blind and visually impaired have specific needs and it involves time and commitment not just spending 1-2 hours with each student per week. It is very important that students who are blind and visually impaired acquire the skills necessary to access

information and be apart of the general education curriculum as much as possible. Of course an evaluation of skills is necessary. Students that are blind and visually impaired need to be meeting the same milestones as sighted students. Students spend most of their day in the educational setting and that is the foundation for ensuring that the students are successful post secondary.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey, user #6 Daniel Madrid

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Consider whether the last statement should continue to include 4 teachers at a minimum as 12 month employees. My understanding is that a larger share of students are in need of extended school year (ESY) services and that the commitment should remain to employ multiple teachers on 12 month contracts. This section of Code does not consider the national shortage of teachers for the visually impaired, and if there are additional incentives that can be provided to these special education professionals to attract talent to Delaware.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

I'm not familiar with the calculations behind the fee for service model - but it would only be effective should the funding be leveraged toward compensating high skilled TVIs, related service professionals, the provision of accessible instructional materials, and other services that directly benefit the students.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

I believe this is already embedded in federal law, and should mirror state law.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

UNSURE

Please provide comments supporting your answer.:

My response would be better recorded as "I don't know." The host agency is not necessarily an impediment to the provision of services. Regardless of where these services are housed, they do need to be treated as an entitlement service commensurate with all other education services (FAPE), Medicaid, and other programs that our citizens have a right to should they be considered eligible. It is also recommended that the JLOSC review the funding agreement between DOE and DVI. DVI has historically provided the salary of teachers as match to DOE annually and received in return 150K per year. With over 1 million in salaries being recorded by DOE as provided by DVI annually, DVI should receive a much larger match annually in federal funds.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Daniel Madrid

Responses from Survey Monkey, user #7 Lloyd Schmitz

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

At least 6 TVI's shall be year round teachers (12 months) to meet the needs of students with visual impairments statewide. DVI shall contract TVI services to bring it up to the level of service required by the Delaware code to meet the IEP and 504 plan needs of VI students.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

DVI shall offer tuition assistance and reimbursement. DVI shall offer a signing bonus upon completion of TVI certification along with an employment contract with a guaranteed commitment of employment services in Delaware for X years.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

a. Develop and implement communication and procedure guidelines regarding DVI services for students in local school districts. DVI shall participate as a voting member on the GA Council for Exceptional

Citizens and with child watch and other agencies and boards that have advisory or oversight of education services for students with disabilities.

b. Review its current Memorandum of Understanding (“MOU”) with the DOE and work to bring meaningful modifications to the agreement. To be accomplished by MM/DD/YY DVI shall meet no less than every 2 years with DOE to review and make modifications of the MOU between DVI, DOE, and the LEA's. All inter-agency agreements and MOU's information shall be published on the DVI website and shall be open to the public for comments and advocacy. The DVI shall establish and publish guidelines for students and families/guardians to file complaints if they are dissatisfied with services from the agency. A committee knowledgeable of educational needs for individuals with visual impairments and other disabilities shall be established to review all decisions made by the DVI resulting from the above complaints. (these members may be from the DOE, GACEC, DLP, or the kids department)

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

DVI and the DOE shall include fees and terms in the MOU between DVI, DOE, and all LEAs to determine fees structure and penalties when services are not provided. I encourage a fee structure... this will encourage sufficient staff to meet the needs of the population.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

The assessment shall be conducted no less than every 3 years at the beginning of the school year

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

YES

Please provide comments supporting your answer.:

DVI does not have the resources to pay competitive wages to TVIs like the local districts have DVI is under social Services who does not have experience or expertise in educational services. DVI has no oversight to monitor its services and is an arrogant agency that ignores districts and advocates.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Lloyd Schmitz

Responses from Survey Monkey, user #8 Sybil Baker OBO Wendy Strauss Ex. Director GACEC

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

According to the National Federation for the Blind (2015) an acceptable student teacher ratio is 10/1 for itinerant models.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Given that Kutztown University offers an online program, incentives could be given (tuition reimbursement) for individuals who complete the training in an acceptable time frame. Clearly Delaware needs to look at implementing a higher education program for TVI's. Given the shortage of TVI's is national this could potentially increase state revenue by attracting out of state students.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

One wonders what a "meeting" consists of. Is this a one hour visit or a 10 minute consultation? The current funding model is not working so a fee for service model is the most practical alternative to provide equal consistent access to education.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:

Amanda.McAtee@delaware.gov

YES

Please provide comments supporting your answer.:

While Council has not taken a formal position, it has long been speculated that the appropriate oversight for educational services is DOE. They are the oversight for all other education, they provide professional development on a consistent basis. There has been a consistent increase in the number of students with a huge 8% increase in 2015. The increase has leveled off and is now consistent with the general population trajectories in our state. The current DVI education system is dated. Many years ago we did not have the expectations for our students with VI that we do today, the increase in technology alone means VI students are capable of so much more than what we considered 50 years ago.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Sybil Baker OBO Wendy Strauss Ex. Director GACEC

Responses from Survey Monkey, user #9 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

they should also be apart of the CADRE meetings . For some reason they never attend. This meeting will help them to keep abreast of information they ned.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should not consider this recommendation.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Suggested modifications or comments:

Yes, they should. I notice a lot of students have missed out on this instruction when they needed Braille from the beginning. this should be mandatory that they learn the braille

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

YES

Please provide comments supporting your answer.:

I believe TVI /DVI should be apart of DOE. I believe they will learn how to get a long with other staff. Learn whats going on in the community regarding the other teachers.. They need to know how to work with others. go to Cadre meeting . Plus, they need to share what it is that they do. The TVI are great they are dedicated and knowledgable as well but should be with education

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey, user #10 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:

Amanda.McAtee@delaware.gov

NO

Please provide comments supporting your answer.:

DVI specializes in providing specialized direct support to the blind/visually impaired of Delaware. The teachers are specifically trained and instructed based on the students needs and requirements. Careful evaluation, planning and time is taken so that direct support is given to these students in a timely manner. If we move all teachers under DOE, students may fall into a bigger system, with less direct support, currently offered by DVI. The communication between what is needed by the students and instructors will be lost. The students will have less of a voice to advocate for their needs because the specialized support will be gone and less time taken to evaluate these needs. We need to keep organizations, such as DVI, intact. By working in conjunction with the schools we can insure both the needs of the student and requirements of the school are met.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey, user #11 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should not consider this recommendation.

Suggested modifications or comments:

It is difficult to imagine a scenario where a teacher has fourteen braille readers on his/her caseload. How would a TVI be able to serve effectively and efficiently?

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

Under normal operations - DVI can utilize social media tools regarding Outreach. DVI hired twelve special education teachers since 2017. I think that is pretty impressive. Of those twelve individuals.... it is my understanding that seven of those individuals received the certification... five are still in the process of completing the certification.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

I think it is a good idea to revisit the MOU and make whatever modifications are needed to make it a win-win.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Difficult to agree or disagree with the above. If DVI is comfortable with the above model - then I support their decision.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

It is my understanding that DVI Education already performs this activity.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

It is my understanding that the DVI Education Team does provide their professional expertise (to the best of their knowledge) to stakeholders - regardless of environment/setting.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

NO

Please provide comments supporting your answer.:

Absolutely not. DVI has the benefit of being one entity. Functioning under the same umbrella allows DVI to communicate with each other in a more effective and efficient manner - especially when I think of the transition-age students. DVI is stronger together.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey, user #12 Mary Ann Mieczkowski

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

I am not sure how these figures were determined.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:

Amanda.McAtee@delaware.gov

Prefer not to answer.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Mary Ann Mieczkowski

Responses from Survey Monkey, user #13 Helen Harper-Elzey

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

DOE should first evaluate if DVI itself has the expertise to perform this function

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:

Amanda.McAtee@delaware.gov

NOT SURE

Please provide comments supporting your answer.:

It is my opinion that under DOE the TVI's will become more accountable for following protocol and requirements for completing functional vision assessments, however the transition may lend itself to discontinuing the special socialization activities currently afforded to them.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Helen Harper-Elzey

Responses from Survey Monkey, user #14 Jim Shiber

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

Caseloads are an issue that should be considered by each individual teacher and the supervisor. It is not something that can be broken down in this way. Some eligible students have far more instructional needs than others so it should be broken down on the number of hours of service to be provided as opposed to # students to # of teachers

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI)
Education: 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.

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.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

Unsure of who at DVI would address this or how it could be addressed by DVI in any meaningful way. It is a complex issue at best. Blindness professional organizations and the various university personnel preparation programs have consistently struggled to attract students and promote their programs. Also, the fact that the field does not pay on level with other fields such as OT, PT etc. make it a tough sell for many prospective students.

Q3

Rec. 25 – Communication with DOE:DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

DVI is only part of this equation. DOE and the school districts need to understand better what the potential needs are for VI students and be on board to follow through with any guidelines that could be established by DVI.

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

No opinion

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

This is routinely done for every student who is referred to DVI.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

Don't know that this needs to be in the governing statute. Common sense dictates that anybody who takes part in the IEP process should have some expertise in the process. It is covered in special

education programs routinely and any TVI, O&M instructor etc. 299
should already have this training.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

NOT SURE

Please provide comments supporting your answer.:

Not sure why that would be a consideration? The services as they are now are consolidated and supervision can occur from within a small scope instead of the much larger one that DOE oversees. The TVI's are now in close proximity with the other units and staff at DVI so services should ideally be more seamless between Education, material center, O&M, VR, etc.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Jim Shiber

Responses from Survey Monkey, user #15 anonymous

Education Tabled Recommendations Worksheet

Q1

Rec. 3 – Reduce Teacher Student Ratio: 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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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.

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.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q6

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

JLOSC should consider without modifications, keep this recommendation as written.

Q7

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

NO

Please provide comments supporting your answer.:

DVI's teachers and staff have specialized and trained to provide the best service for students. I believe relocation of educational services will reduce oversight and increase the chances of kids falling through the cracks of a larger division. Having the services separate increases assistance to the students and provides them with more personalized trainings.

Q8

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from William McCafferty

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

☐ JLOSC should not consider

☒ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (DIB) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017. Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

☒ JLOSC should not consider

☐ JLOSC should consider with no modifications

☐ JLOSC should consider with modifications

Should reopen it and keep it in the Del Code. This was a resource for unemployment.

Rec. 4 – Publish By-laws:

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.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

DRVC vocational rehabilitation council should as well.

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Worksheet #5 DVI Recommendations

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

☐ JLOSC should not consider

☐ JLOSC should consider with no modifications

☒ JLOSC should consider with modifications

Recommendation:

2a is vague. Since the "technical" corrections and reference to braille literacy rights are not specified, I would like them fleshed out to have an understanding of what is being changed.

If my understanding of this recommendation is correct, then **2b and 2c** should be stricken from Recommendation 2. It should be referenced separately. Move to Recommendation 5, GACB (Council on the Blind). Established By-laws will address these issues.

Further explanation:

2a. It is important to note that the most recent governing statutes are extremely difficult to locate online. Statements, disclosures, conclusions, interpretations, and paraphrasing of these statutes have been made throughout the years, which has led to misinterpretations of the under what circumstance the entity was established and the duties and requirements of each entity, as well as the Agency's compliance or supervision of the entity, according to the statute..

Therefore, I would suggest that all the statutes, since the inception of services to the blind and visually impaired, in the State of Delaware be compiled and available to the Task Force members. The entire statute is not

necessary, but that small portion in each statute that concerns this Task Force's responsibilities for the Sunset Committee. This will allow members to follow the history of the initial establishment of each entity to its current status. There are significant changes that have been made within statutes. They've tried to be corrected, but it was not corrected by looking at all the documentation together. There are still contraindications and false starts.

2b. and 2c. This recommendation does not describe circumstances within the Agency (DVI). This recommendation is reflective of recent incidents the Agency has experienced with the GACB (Council on the Blind). The "tie" mentioned was the Election of the GACB's Chairman, which was held this year. The "Removal of the Member" referenced may also have been brought up concerning a member on the GACB.

There should be a definitive line between the two entities. The GACB functions in an advisory position over the Agency. It cannot be considered under the umbrella or a subsidiary of the Agency. In such a circumstance, the GACB would have no jurisdiction over the Agency nor be recognized by DVI or its Director as an advisor.

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

Recommendation:

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

a. The Committee will sponsor a bill to remove all references to the DIB from the Delaware Code **after March __ 2017**, including § 7929, Title 29 and § 9605, Title 16.

b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, **after March __ 2017**, including § 9101, Title 16.

Further explanations:

As long as the modifications are not retrospective. When the reference to “remove all references to the DIB from the Delaware Code” DIB should be administered with great care to apply that deletion of DIB after March 2017. DIB did exist in the State of Delaware. It should remain in historic documentation. The deletion should only serve to show the entity is no longer in existence and DVI will no longer be responsible for DIB or any monetary debt DIB accrued during its existence.

Rec. 4 – Publish By-laws:

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. **Correction: Blind Vendors Committee.**

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

DVI shall post on its website all by-laws for advisory councils that serve **as overseer and/or advisory to the Agency; and Committees that serve under the umbrella and jurisdiction of the Agency.**, ~~such as Independent Living Advisory Committee (ILAC) and Blind Vendors Committee (BVC).~~

On the other hand, if the ILAC and BVC need to be mentioned, it might be wise to mention all the committees and councils.

Comment: In light of Recommendation 5, this seems to be “the cart before the horse.”

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

The Council's main function is to oversee DVI and advise DVI's Director; therefore, DVI is not authorized to "direct" the Council.

That being said, the GACB has no issue with developing by-laws and will be prepared by the time the JLOSC meets next on this DVI recommendations.

Recommended modification:

The Sunset Committee (or the Governor's Office) shall direct the Council of the Blind (GACB) to create and finalize by-laws.

Additionally,

The Council on the Blind is an "advisory" Council appointed by the Governor. Indeed, in every document after the establishment of the Council of the Blind, subsequent State Law modifications refer to this Council as the "Governor's Advisory Council on the Blind." Hence, the Council on the Blind has been re-named as the Governor's Advisory Council on the Blind by the Governor and other Law-makers of the State of Delaware, and commonly referred to the GACB until this day.

DVI has changed the name sometime last year when it was discovered that, although Governor appointed, the legislation that established this Council did not use the term "Governor's Advisory."

DVI has even changed past accepted minutes to remove "Governor's Advisory" which is concerning. The description of the purpose of this Council has been changed on the DVI website. In my opinion, the new wording minimalizes the Council's authority over DVI. The description on the State of Delaware website has remained the same. Also, contacts for the Council should be Council Members, not DVI staff.

Since its inception has been the Governor's Advisory Council on the Blind (GACB) and accepted by the Government as such and documented in statutes as Governor's Advisory Council on the Blind, I, respectfully, would

suggest that the GACB name be legally changed from Council on the Blind to Governor's Advisory Council on the Blind. This would banish the Agency's recent dismissal of the GACB's status as a subordinate of the Agency, and solidify the Advisory status of the GACB.

Responses from Kevin McAllister

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

JLOSC should consider this only after a full investigation and audit has been completed by the comptroller's office on the fiduciary activities concerning the administration of, finances surrounding, and overall operation which led to the closure of DIB, including HR related hiring, firing, forced retirement, and worker displacement. If there are no internal resources available, JLOSC shall contract with a third-party auditor to complete this assessment.

Rec. 4 – Publish By-laws:

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.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

JLOSC should add to this provision that DVI shall complete this posting in all accessible formats for download on the website, in addition to DVI making copies available at the Biggs Building and at the next two (2) in person town hall meetings.

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

☐ **JLOSC should not consider**

☐ **JLOSC should consider with no modifications**

☒ **JLOSC should consider with modifications**

This recommendation is neither specific nor measureable. There should be a reasonable date requirement attached to this recommendation (i.e. by the end of the 2020 Federal fiscal year).

Responses from Wayne Marsh

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

Rec. 4 – Publish By-laws:

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.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with modifications

Why specifically ILAC AND BVC? Why not VRAC and GAC? If you were to post the bylaw's of one or two, then you should post them all.

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

JLOSC should consider with no modifications

The GAC has been resistant to this. Some of the members think the charter/description of the council is equivalent to Bi laws. The charter is their mission. The bylaws describe how to run the council.

Responses from Suzanne Howell member of ILAC and VRAC³¹⁵ committees.

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

☐ **JLOSC should not consider**

☒ **JLOSC should consider with no modifications**

☐ **JLOSC should consider with modifications**

Rec. 4 – Publish By-laws:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

- ☐ **JLOSC should not consider**
- ☐ **JLOSC should consider with no modifications**
- ☒ **JLOSC should consider with modifications**

After creation post to the DVI website.

Responses from Elisha Jenkins

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Please note: This worksheet covers a section of the tabled recommendations from the Joint Legislative Oversight and Sunset Committee (“JLOSC”) review of DVI. Please visit the Committee’s [website](https://bit.ly/2H0lhWC) to review the draft and final report for DVI to provide additional context. Additional task force information is available online at: <https://bit.ly/2H0lhWC>

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council’s chair.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI’s request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

- ☐ JLOSC should not consider
- ☒ JLOSC should consider with no modifications
- ☐ JLOSC should consider with modifications

Rec. 4 – Publish By-laws:

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.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

- ☐ **JLOSC should not consider**
- ☒ **JLOSC should consider with no modifications**
- ☐ **JLOSC should consider with modifications**

Responses from Survey Monkey User 1, anonymous user

DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey User 2, anonymous user

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should not consider this recommendation.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should not consider this recommendation.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey User 3, anonymous user

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey User 4, anonymous user

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council’s chair.

JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments:

I do not know enough about this statute to comment.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI’s request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey User 5, Karen Blankenship

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Karen Blankenship

Responses from Survey Monkey User 6, Mary Ann Mieczkowski

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Mary Ann Mieczkowski

Responses from Survey Monkey User 7, anonymous user

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should consider with modifications (supply modifications in the comment field).

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Responses from Survey Monkey User 8, anonymous user

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council's chair.

JLOSC should consider without modifications, keep this recommendation as written.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI's request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: 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.

JLOSC should consider without modifications, keep this recommendation as written.

Q4

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should consider without modifications, keep this recommendation as written.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Respondent skipped this question

Page 1: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Q1

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: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. b. Add standardize member removal provision.c. Add language for resolving a tie when voting on the Council’s chair.

JLOSC should not consider this recommendation.

Suggested modifications or comments:

Each of the statues here are addressed in other recommendations. The recommended changes include technical modifications. The details of council regulations should be standardized through the governor’s office.

Q2

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:DVI reported that operations for the DIB closed in March 2017. Based on DVI’s request: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.b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

JLOSC should consider without modifications, keep this recommendation as written.

Q3

Rec. 4 – Publish By-laws: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.

JLOSC should not consider this recommendation.

Suggested modifications or comments::

It is not necessary to single out any programs. Also, this can be easily managed by the governor’s office.

Q4

Rec. 5 – Council of the Blind By-law Requirement:DVI shall direct the Council of the Blind to create and finalize Council by-laws.

JLOSC should not consider this recommendation.

Suggested modifications or comments::

It is not necessary to single out any programs. Also, this can be easily managed by the governor’s office.

Q5

Please provide your first and last name. Leave blank if you are submitting responses anonymously.

Debbie Harrington

APPENDIX B

TASK FORCE MEMBERS

WORKSHEET

RESPONSES AND

MATERIALS

Appendix B: Task Force Members

Loretta Harper-Brown:

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

Response Selected: JLOSC should consider with no modifications

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should consider with modifications

Comment: It appears that DVI is currently providing braille training to consumers in a variety of formats. Maybe they should include data and on metrics from consumers to determine if they need and or desire additional training. If so the consumers should be specific to address their concerns. VR is about consumer choice.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with no modifications

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: JLOSC should consider with no modifications

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: JLOSC should consider with no modifications

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should consider with modifications

Comments: Again, a survey or primary data should be collected to determine if this is a primary concern for consumers. Not every consumer want to learn technology when it comes to O & M training.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should consider with no modifications

Meeting #3 Business Enterprise Program (BEP) Tabled Recommendations

Rec. 7 – Business Enterprise Program (BEP) Regulations: 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: a. Participant eligibility. b. Personnel management. c. Fiscal controls. d. Marketing plans. e. Enforcement of production quality standards as stated under § 7929, Title 29. f. Set-aside requirements and procedures for Blind Operators.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: DVI shall offer training³³³ opportunities to and encourage the participation of the BEP, Blind Vendors Committee members in order to support and expand the program.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 10 – Implementation of BEP Audit Recommendations: 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].

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 11 – BEP Set-Aside Requirements: DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 12 – BEP Public Outreach: DVI shall: a. Develop a BEP application. b. Update the BEP section of its website to include: (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act. (2) Links for regulations, rules, policies, or by-laws affecting BEP. (3) Access to the BEP application.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 13 – Remove BEP from State Payroll and Pension Systems: Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system. - OR - Option 2: 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.

Response Selected: JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments: DVI should consider this a viable option to save the state money and provide a realistic opportunity to grow the program in an authentic and organic way. Business ownership is about learning about all aspects of your business.

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act: 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-Sheppard³³⁴ Act and to expand vending opportunities in institutions of higher learning, Department of Corrections, and interstate rest areas.

Response Selected: JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments: DVI must also look at it's key personnel that's running the BEP to determine if the required skill sets are there to implement this change.

Rec. 15 – Strengthen Business Programs: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Meeting #4 Education Tabled Recommendations Worksheet

Rec. 3 – Reduce Teacher Student Ratio: 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:(e) To meet the instructional needs of students who is blind with visual impairments including blindness, the Division for the Visually Impaired shall employ one (1) 1 teacher of students with visual impairments for every 28 14 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. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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. 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.

Response Selected: JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments: There is a national shortage but DVI can implement marketing strategies to attract and groom our young people to select this career field.

Rec. 25 – Communication with DOE:DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to: Amanda.McAtee@delaware.gov

Response Selected: YES

Please provide comments supporting your answer.: DVI students would benefit from DOE from a financial perspective. I believe the student ration would better align if more funding is available to support students.

Dr. Debbie Harrington

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC should consider with modifications

Comments: DVI has a particularly high personnel turnover rate that should not be ignored in terms of cause and effect. The turnover has degraded the organizational culture and spilled over into how the agency sees the community it serves and how the community sees it. Years of personnel instability among other factors have shaped the public's lack of confidence in DVI. JLOSC should direct immediate organizational culture and performance assessment and developmental training prior to any further hiring.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

Response Selected: JLOSC should consider with modifications

Comments: Certifications should be required across the board in VR, O&M, AT and TVI. Consumers must have exceptionally qualified services.

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should consider with modifications

Comments: DVI should have certified Braille instructors for adult/newly visually impaired consumers. Braille reading must move from paper format to electronic/digital applications. Braille resources should be geared towards refreshable Braille displays and other accessibility devices. DVI must have a shift in its operational practices to state of the art technology and certified instruction within the organization.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with modifications

Comments: JLOSC shall ensure that technology funding requirements are secured in the governor's budget. DVI shall research technology accessibility innovations/trends and procure those new and advanced tools to make available to consumers.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: JLOSC should consider with modifications

Comments: DVI shall have certified technology staff as well as teacher staff on products used by consumers. The supervisor of technology staff shall have AT certifications on multiple devices and shall be required to proficiently instruct other staff as well as consumers.

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: No answer chosen

Comments: DVI should align with colleges to develop degree/certification/ recertification programming for blind and visually impaired instruction in multiple areas including, but not limited to VR, education, assistive technology, braille transcription, and O&M, in order to develop and maintain professional expertise within the state.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should consider with modifications

Comments: DVI shall employ GPS technology as well as other navigational aids including cane and robotic devices. DVI shall procure state of the art navigational aids and obtain instructional certifications in the same. DVI shall not limit consumers, but rather research and procure innovative tools that will advance independence for consumers who are blind.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should consider with modifications

Comments: JLOSC shall draft and sponsor the legislation required to implement task force recommendations. 338

Meeting #4 Education Tabled Recommendations Worksheet

Rec. 3 – Reduce Teacher Student Ratio: 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:(e) To meet the instructional needs of students who is blind with visual impairments including blindness, the Division for the Visually Impaired shall employ one (1) 1 teacher of students with visual impairments for every 28 14 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. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

Response Selected: JLOSC should consider with modifications.

Comments: This recommendation is statutory and must be addressed in legislation. Also, the necessary statutory changes are broader and not limited to para (e) of section 206. See attached recommended draft changes to Title 14, Chap 2 and Title 31, Chap 21.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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. 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.

Response Selected: JLOSC should consider with modifications.

Comments: Due to limited access to certified TVI, O&M, and AT professionals Delaware requires at least one of its colleges to create a graduate level vision program that would produce vision professionals. Recommend using Representative Longhurst legislation to increase and improve speech therapy services as a template for how to move forward.

Rec. 25 – Communication with DOE:DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should consider with modifications.

Comments: Currently there is a MOU that requires changes. See MOU recommended changes submitted to task force.

Rec. 26 – Implementing Education Service Model: Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should not consider.

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI's governing statute.

Response Selected: JLOSC should consider with modifications.

Comments: Braille instruction is lawful. Refer back to Recommendation 3 proposed legislative changes. Combine rec#27 with rec#3. It is the IEP that makes that determination not the assessment alone.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI's governing statute.

Response Selected: JLOSC should not consider.

Comments: This recommendation is unclear. There is no other reason to be on an IEP team except to provide professional expertise; however, there is no one individual on the IEP team with single decision making authority. All IEP provisions are decided by the team and highly influenced by the parent and/or student.

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.:

Comments: This question is not one of the 2-29 recommendations. Is it a question that the legislators have asked the task force to answer?

Should VR, AT, O&M, Material Center relocate? Education for students who are visually impaired is much more extensive than simply asking should education services relocate. What is included in "education services"?

Nonetheless, students should be educated in a system with checks and balances that is resourced to provide quality education by exceptionally qualified professionals. DVI has no IDEA oversight, authority, nor obligation. IDEA is not enforceable through DVI. Delaware HB226 requires a three tiered licensure and certification program that is not established in DVI. There has been no effort to secure services with funding provisions through legislation. Titles 14 and 31 have not been updated in more than two decades. Title 31 still refers to the agency as a Commission. Furthermore, the leadership changes and employee turnover continue to degrade organizational effectiveness. The seriousness of this for the community, particularly for young people, is dire. Therefore,

education in its entirety should be relocated to an education institution.

I submit the following recommendations to be addressed by the task force and included in the final report: JLOSC must determine the best organizational structure and oversight design to provide innovative, research based, technologically advanced services to all individuals who are blind or visually impaired so that each person is able to live independently to his/her extent possible and the service provisions mandated in Titles 14 and 31 are kept relevant and expertly accomplished?

Delaware requires program oversight authority.

Draft Legislation

Title 14 - Definitions

“Visual Impairment Including Blindness” means impairment in vision that, even with correction,

adversely **affects a child's educational performance**. The term includes both partial sight and blindness.

(Authority: 20 U.S.C. 1401(3); 1401(30); 14 Del.C. 3110)

Title 14, Ch. 2 DEL Code

§ 206. Braille literacy rights and education of students with visual impairments including blindness.

(a) In developing the individualized ~~written~~ education program for each student ~~who is blind~~ with a visual impairment including blindness the presumption shall be that proficiency in Braille reading, writing, and mathematics is essential for each student to achieve satisfactory educational progress. The assessments required for each student must be performed by a certified teacher of the visually impaired and shall include an evidence based learning media assessment, functional vision assessment, Braille skills inventory, and any additional assessment tools necessary to determine the extent to which the student requires Braille instruction to achieve satisfactory educational progress. ~~Braille skills inventory, including a statement of strengths and weaknesses~~. Braille instruction and its use are mandated by this section unless, in the course of developing the student's individualized educational program, all members of the team concur that the student's visual impairment does not affect his or her educational performance. Nothing in this section requires exclusive use of Braille if other special education services are appropriate to the student's needs. The provision of other appropriate services shall not preclude Braille use or instruction.

(b) Instruction in Braille reading, writing, and mathematics shall be sufficient to enable each student ~~who is blind~~ with a visual impairment including blindness **to communicate effectively and efficiently with the academic** proficiency expected of the student's grade level. The student's individualized educational ~~plan~~ program shall specify:

- (1) The results obtained from the inventory required in subsection (a) of this section;
- (2) How Braille will be implemented for learning through integration with other classroom

activities;

(3) The date upon which Braille instruction will commence and the frequency and duration of each instructional session;

(4) That Braille instruction shall only be provided by a certified teacher of students of the visually impaired frequency and duration of each instructional session;

(5) The level of competency in Braille reading, writing, and mathematics to be achieved by the end of the period, and the objective assessment measures to be used; and

(6) The evidence used to determine that the student's ability to read, write, and perform grade-level mathematics effectively without special education services will not be impaired if a decision has been made under subsection (a) of this section that Braille instruction or use is not required for the student.

(c) Each publisher of textbooks purchased by Delaware School Districts must, in addition to granting copyright permission for transcription into Braille, large print or electronic format for visually impaired students as already established by law, must furnish to the Division for the Visually Impaired, a print copy, and when requested, with computer diskettes electronic formats in the American Standard Code for Information Interchange (ASCII) from which Braille versions of the texts can be produced. The print copy is also required since the accompanying graphics must be reproduced by hand, and some subject matter, such as mathematics must still be hand transcribed.

(d) As part of the certification process, all certified teachers of the visually impaired teachers of students with visual impairments, shall be required to demonstrate proficiency in Braille instruction. The Department of Education shall require proof of a passing score from an accredited National Blindness Professional Certification Board (NBPCB) program for certification in Unified English Braille (UEB), on the Library of Congress Braille Competency Test (when it is completed and validated), or any comparable, nationally recognized validated test.

(e) To meet the instructional needs of students who is blind with visual impairments including blindness the Division for the Visually Impaired shall employ one (1) teacher of students with visual impairments for every 28 fourteen (14) 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 instruction to satisfy individualized educational programs requiring 12-month entitlement and extended school year services. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

(f) To meet the educational requirements of students with visual impairments including blindness, the Division for the Visually Impaired shall also employ:

(1) Paraeducators for a period of 12 months at the rate of 1 for each 80 students enrolled with the Division for the Visually Impaired; All newly hired teacher aides paraeducators will be required to achieve certification as Braille transcribers through the Library of Congress an accredited National Blindness Professional Certification Board (NBPCB) program within 2 years of employment.

(2) Certified Assistive Technology Instructors with demonstrated competence in analyzing the needs of consumers with disabilities, assisting in the selection of appropriate assistive technology for the consumers' needs, and providing training in the use of the selected devices. The Division for the Visually Impaired shall employ one (1) Certified Assistive Technology Instructor for every 30 students

(or major fraction thereof) who are eligible to receive services from the Agency.

(3) Reading Specialist. DVI shall employ one (1) certified reading specialist per county for a total of three (3) to serve students with visual impairments including blindness in grades K-12. The reading specialist will work with grade-level teams to implement sustainable literacy programs and accomplish systemic change for students with visual impairments including blindness.

(4) Educational diagnostician f DVI shall employ one (1) certified educational diagnostician per county for a total of three (3) to serve students with visual impairments including blindness. The Educational diagnostician will play a significant role in assessing and diagnosing the learning needs and challenges of students with visual impairments including blindness.

70 Del. Laws, c. 237, § 1; 71 Del. Laws, c. 180, § 19; 78 Del. Laws, c. 179, § 132.;

TITLE 31

Welfare

Welfare Agencies

CHAPTER 21. DELAWARE ~~COMMISSION FOR THE BLIND~~ **DIVISION FOR THE VISUALLY IMPAIRED**

§ 2101. Definitions.

As used in this chapter:

(1) "Commission" or "Delaware Commission for the Blind" or "Department" means the Department of Health and Social Services. **"Division" means the Division for the Visually Impaired.**

(2) "Person ~~who is blind~~ **with blindness**" means one who is totally blind or has visual acuity of not more than 20/200 in the better eye with correction or whose vision is limited in field so that the widest diameter subtends an angle no greater than 20 degrees.

(3) **"Person with a visual impairment"**

Code 1935, § 3050A; 46 Del. Laws, c. 88; 31 Del. C. 1953, § 2101; 57 Del. Laws, c. 591, § 37; 78 Del. Laws, c. 179, § 326.;

§ 2102. Persons **with blindness and visual impairments** ~~who are blind~~; supervision, training and welfare.

The ~~Department~~ **Division** shall have supervision and control of the education, training and welfare of persons ~~who are blind~~ **with blindness and visual impairments** residing in the State.

31 Del. C. 1953, § 2102; 57 Del. Laws, c. 591, § 38; 78 Del. Laws, c. 179, §§ 327, 328.;

~~§ 2103. Duties; appointment of instructor of persons who are blind; expenditures.~~

~~The Commission shall have general supervision and control of the education, training and welfare of persons who are blind residing in the State, and for that purpose shall from time to time select and appoint suitable persons to be instructors of persons who are blind. The instructors shall at all times be under the sole control of the Commission and shall be employed upon such terms and shall do and perform such duties for such periods and in such manner as is determined by the Commission.~~

The Division for the Visually Impaired shall have the following powers, duties and functions:

(1) To supervise in the provision of itinerant education services in all locations coordinated by the Division, with the Education Unit of the Division being considered a local education agency only for purposes of:

(i) Any federal, state, or private loan forgiveness programs available to educators;

(ii). Any federal, state, or private competitive grant made available to, and awarded directly to, local education agencies, provided that any specific qualifying requirements are met;

(iii) Credits issued for youth who complete the requirements for credit-bearing courses provided through the Education Unit in the Division;

(2) To provide employment services, including those authorized under the Randolph Sheppard Act, in all locations coordinated by the Division;

(3) To provide independent living services in all locations coordinated by the Division.

25 Del. Laws, c. 73, § 3; Code 1915, § 2576; Code 1935, § 3049; 31 Del. C. 1953, § 2104; 78 Del. Laws, c. 179, §§ 329-331.;

§ 2104. Commission's power to acquire and dispose of property; exemption of property from taxation.

The Commission may solicit, purchase or otherwise acquire, hold, own, mortgage, sell or assign real and personal property, may, solicit, accept and receive any private funds, bequests, legacies or gifts of property real and personal to be used for the education and training of persons who are blind and may hold, manage and invest the same and collect and disburse the income thereof, and disburse the principal thereof, in accordance with the directions of the parties devising or donating the same. In default of any such direction, the Commission shall accept, hold, manage and dispose of the property and disburse the income thereof in any manner which it deems best adapted to promote the education, training and welfare of persons who are blind residing in the State. The Commission may hold, own, sell and dispose of any such property, real, personal or mixed so purchased or received and may reinvest the proceeds from the sale of any of the property and collect and disburse the income therefrom and the principal thereof in the manner above outlined. The property of the Commission shall be exempt from taxation.

25 Del. Laws, c. 73, § 8; 27 Del. Laws, c. 101; Code 1915, § 2580; Code 1935, § 3053; 31 Del. C. 1953, § 2105; 75 Del. Laws, c. 385, § 2; 78 Del. Laws, c. 179, § 332.;

~~§ 2105. Expenditures by Commission.~~ Division.

~~The Commission may expend such sums of money as it deems proper and necessary for effectuating the objects of this chapter. Such sums of money shall not in the aggregate in~~

~~any 1 year exceed the sum of money appropriated to the Commission for such purposes.~~

[25 Del. Laws, c. 73, § 3](#); Code 1915, § 2576; Code 1935, § 3049; 31 Del. C. 1953, § 2106.;

~~§ 2106. Payment of expenses of the Commission.~~ [Division](#)

All expenses of the Commission for salaries and wages, office expenses, operation, working capital, materials, repairs and replacements, travel and other expenses in connection with carrying out the duties of the Commission shall be paid by the State Treasurer out of funds appropriated by the General Assembly for such purpose, on vouchers issued by the proper officer or officers of the Commission.

[32 Del. Laws, c. 26, § 16](#); [37 Del. Laws, c. 81](#); Code 1935, §§ 3050, 3054; 31 Del. C. 1953, § 2107.;

~~§ 2107. Eligibility and applications for instruction.~~

Any [individual who meets the definitions of a person with blindness or a visual impairment as stated in § 2101 may seek services from the Division](#), ~~adult person who is blind who is a resident of the State may make application to the Commission to receive instruction and training from the instructors. The application shall be in writing and shall be endorsed by at least 2 substantial citizens residing in the community in which the applicant resides. The Commission may pass upon the application and may grant or refuse the same at its discretion. It shall indicate at what time the instruction shall commence, for how long it shall continue, and when it shall determine, and may discontinue the instruction whenever to it it shall seem wise or proper so to do.~~

[25 Del. Laws, c. 73, § 4](#); Code 1915, § 2577; Code 1935, § 3050; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2108; [78 Del. Laws, c. 179, § 333](#).;

~~§ 2108. Duty of agencies, physicians and nurses to report persons~~ [with blindness and visual impairments](#) ~~who are blind.~~

Every health and social agency, attending or consulting physician or nurse shall report to the Delaware [Division for the Visually Impaired](#) ~~Commission for the Blind~~, in writing, the name, age and residence of persons who are blind within the definition of blindness [and visual impairment](#) as set forth in this chapter and in such cases shall furnish such additional information as the Commission requests for registration, [habilitation and/or](#) prevention of blindness.

Code 1935, § 3050A; [46 Del. Laws, c. 88](#); 31 Del. C. 1953, § 2109; [78 Del. Laws, c. 179, § 334](#).;

~~§ 2109. Duty of parents and guardians to obtain instruction for children who are blind; powers of Commission and Governor.~~

(a) ~~Every parent, guardian or other person having custody or control of a child who is blind between the ages of 7 and 18 years residing in this State shall cause the child who is blind to receive instruction and training adapted for persons who are blind for at least 6 months in each year until the child has attained the age of 18 years.~~

(b) ~~Any child who is blind may be excused by the Commission from receiving instruction and training upon the presentation to the Commission of satisfactory evidence that the child is not in proper physical or mental condition to receive instruction and training.~~

(c) ~~A parent, guardian or other person having custody or control of any child who is blind shall make application to the Commission for instruction and training for the child upon receipt of a notice from the Commission to that effect. The Commission shall grant or refuse such application at its discretion.~~

(d) ~~The amount paid by the Commission to any school or institution outside Delaware for the education of each Delaware child who is blind enrolled therein shall not be greater than the amount paid by the state in which the institution is located for each of its children who are blind enrolled therein.~~

~~Code 1915, § 2578; Code 1935, § 3051; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2110; [49 Del. Laws, c. 189, §§ 1, 2](#); [78 Del. Laws, c. 179, §§ 335-338](#);~~

~~§ 2110. Visitation of institutions outside of State.~~

~~The Commission shall appoint a representative to visit the institutions outside this State wherein children who are blind of this State are maintained and instructed in order to ascertain whether or not they are receiving proper treatment and instruction and are making such improvement or advancement as will justify the State in incurring the necessary expenses attached to their remaining in such institutions.~~

~~[26 Del. Laws, c. 144](#); Code 1915, § 2583; Code 1935, § 3056; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2111; [49 Del. Laws, c. 189, § 3](#); [50 Del. Laws, c. 142, § 1](#); [78 Del. Laws, c. 179, § 339](#);~~

~~§ 2111. Payments for vocational rehabilitation.~~

(a) The Commission **Division** is the authorized agency for vocational rehabilitation of Delawareans who are blind **or visually impaired** and may pay for the training, maintenance and physical restoration of the persons of this State who are blind who are found to be eligible for vocational rehabilitation **services**.

(b) All payments authorized by this section shall be made by the State Treasurer upon proper voucher.

~~[27 Del. Laws, c. 102, §§ 1-3](#); Code 1915, § 2584; Code 1935, § 3057; [45 Del. Laws, c. 217, § 1](#); 31 Del. C. 1953, § 2112; [49 Del. Laws, c. 189, § 4](#); [78 Del. Laws, c. 179, §§ 340, 341](#);~~

~~§ 2112. Penalties.~~

(a) ~~Whoever, being a parent, guardian or other person having control of a child who is blind, violates this chapter shall be fined not less than \$2.00 nor more than \$10, and, in default of payment of fine, shall be imprisoned not more than 10 days.~~

(b) ~~Justices of the peace shall have jurisdiction of offenses under this section.~~

(c) ~~Any person convicted under this section shall have the right of an appeal to the Court of Common Pleas of the county in which the conviction was had, upon giving bond in the sum of \$100 to the State with surety satisfactory to the justice of the peace by whom the person was convicted. Such an appeal shall be taken and bond given within 3 days from the time of conviction.~~

~~[25 Del. Laws, c. 73, § 6](#); Code 1915, § 2579; Code 1935, § 3052; 31 Del. C. 1953, § 2113; [69 Del. Laws, c. 423, § 25](#); [78 Del. Laws, c. 179, § 342](#);~~

~~§ 2113. Limitations on applicability of chapter.~~

~~This chapter shall not apply to any child who is blind who is being otherwise instructed and educated in a manner satisfactory to the Commission.~~

~~[25 Del. Laws, c. 73, § 7](#); Code 1915, § 2582; Code 1935, § 3055; 31 Del. C. 1953, § 2114; [78 Del. Laws, c. 179, § 343](#);~~

§ 2114. Use of products and services of persons who are blind by state agencies; exceptions; penalty.

- (a) State institutions and agencies shall, ~~where possible,~~ purchase ~~promotional products~~ brooms, mops, rugs, rubber mats and other supplies, other than the product of prison labor, from the Commission ~~Division~~; provided, that such goods and supplies are within ten percent of fair market value in terms of ~~of standard~~ quality and price.
- (b) State institutions and agencies requiring piano tuning or chair seating shall employ persons recommended by the Commission; provided, that such persons are qualified and the service rendered is of standard quality and price.
- (c) ~~When convenience or emergency requires it the executive secretary of the Commission may upon request of the purchasing officer of any institution or agency relieve the purchasing officer from the obligation of this section.~~
- (d) Any purchasing officer who violates this section shall be reported to the State Auditor of Accounts shall be guilty of a misdemeanor and punished accordingly.

~~31 Del. C. 1953, § 2115; [49 Del. Laws, c. 146, § 1](#); [70 Del. Laws, c. 186, § 1](#); [78 Del. Laws, c. 179, § 344](#);~~

~~§ 2115. Soliciting public donations for the blind; registration;~~

~~violations. Repealed by 59 Del. Laws, c. 566, § 2, effective July 29, 1974.~~

~~§ 2116. Contracts for library services.~~

~~The Commission ~~Division~~ may contract with any public library for that library to render library service to persons who are blind throughout the State and the Commission may reasonably compensate such public library for the cost of the service it renders under such contract.~~

~~31 Del. C. 1953, § 2117; [53 Del. Laws, c. 367](#); [78 Del. Laws, c. 179, § 345](#);~~

§ 2117. Relating to persons who are blind and "seeing eye dogs"; penalties.

(a) Any person who by reason of loss or impairment of eyesight or hearing is accompanied by a dog described as a "seeing eye dog," or any dog educated by a recognized training agency or school, which is used as a leader or guide, is entitled to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement or resort and other places to which the general public is invited and shall be entitled to take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied; provided, that the dog shall not occupy a seat in any

public conveyance.

~~(b) Any person, firm or corporation who deprives any person suffering from such loss or impairment of eyesight or hearing of any right conferred by subsection (a) of this section shall be fined not more than \$100, or be imprisoned for a period not exceeding 3 months, or both and for every such offense such person shall forfeit and pay a sum of not more than \$100 to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where such offense was committed.~~

~~31 Del. C. 1953, § 2118; 57 Del. Laws, c. 162; 64 Del. Laws, c. 389, §§ 4, 5; 78 Del. Laws, c. 179, § 346.;~~

Worksheet 5: DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council’s chair.

Response Selected: JLOSC should not consider this recommendation.

Suggested modifications or comments: Each of the statues here are addressed in other recommendations. The recommended changes include technical modifications. The details of council regulations should be standardized through the governor’s office.

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI’s request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 4 – Publish By-laws: 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.

Response Selected: JLOSC should not consider this recommendation.

Suggested modifications or comments: It is not necessary to single out any programs. Also, this can be easily managed by the governor’s office.

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Response Selected: JLOSC should not consider this recommendation.

Suggested modifications or comments: It is not necessary to single out any programs. Also, this can be easily managed by the governor’s office.

From: Debbie Harrington

Sent: Friday, November 08, 2019 11:37 PM

To: McAtee, Amanda A (LegHall); Wagner, Holly (LegHall)

Subject: Re: FINAL CALL: written public comments/worksheets/materials on JLOSC Task Force on DVI

Good evening Chairwomen,

Based on SR8 and my conversations with JLOSC members it is my understanding that the task force was formed specifically to streamline the amount of information put forth for review. The task force could have added and taken away recommendations. Instead recommendations 2-29 remained the only focus of the task force. Rather than reducing, the task force has increased the amount information.

DVI is a complexed organization and the people it serves are vastly different in terms of service requirements. There is no possible way for you as analysts to grasp in a few months what we as consumers live daily. There are some extraordinary struggles that the visually impaired community has experienced for years as a result of DVI's inefficiencies and lack of sufficient resources. The community would appreciate genuine resolution.

Most harmful to the community is the organizational framework and culture. For example, the Division director has changed four times in twelve years. Soon, perhaps in two weeks, that number will increased to five. Likewise, the deputy director has changed five times and will increase soon to six. The employee attrition is even more dynamic. The grievances filed between employees, and between employees and leaders are astonishing. The inner workings of the agency are toxic, perhaps now more so than ever, while they wait for a determination of the agency's existence.

Concluding the task force work with the same twenty eight recommendations is not helpful for DVI, nor will it advance the process for JLOSC. It is recommended that the task force move forward with the following four recommendations:

1. Move the education unit of DVI to an education institution where it can be appropriately funded, staffed, trained, certified, programmed and held accountable according to education laws, regulations and structure.
2. Create a work group to draft the documents to make technical and program changes to all of DVI's governing statutes: Title 29, Chapter 79, Title 31, Chapter 29 and Title 14, Chapter 2
3. Create an oversight agency outside of DVI with full authority to provide consistent compliance examination and ensure accountability.
4. As published on the site, require Secretary, Delaware Department of Human Resources to conduct performance management services to provide planned, facilitated, leadership-driven, organization-wide efforts to increase DVI's overall capacity, effectiveness and health.

Respectfully,

Debbie Harrington, Ed.D.

Colonel, U.S. Army

Task Force Member

Task Force Executive Summary

Introduction

Blindness has a powerful effect on the development of an individual's social, emotional and communications skills and wellness. It requires individual, family and community based learning and each person has different needs.

An organization servicing individuals with such complex needs must maintain the resources and expertise to deliver services that are rich in research, development and quality programming. The entity serving such a community must function as a learning organization, one that manages knowledge and continually transforms itself. The Division for the Visually Impaired (DVI) is a complex organization, but it lacks the requisite resources, standards, oversight, and stability to serve the community effectively.

Human Resources/Personnel

Frequent leadership and personnel turnover limits DVI's ability to establish a proven track record of experience and quality service. According to information presented during task force meetings, employees are transitioning out of the agency prior to reaching an acceptable level of efficiency. This high rate of turnover impacts negatively the quality of services received.

Service disruption caused by high turnover can be catastrophic for students and adults who rely upon the agency for life-altering services. In the last 10 years, DVI has transitioned into and out of the agency four directors, six deputy directors, four education principals, two VR Administrators, numerous certified teachers for the visually impaired, and at least eight VR counselors. Although advocacy efforts from the community led to increased funding to support development of new certified teachers for the visually impaired, either the organizational culture, resource shortages, or other issues caused some of the newly hired professionals to leave prior to fulfilling an obligation to repay tuition support with time employed with DVI. The root causes of the rapid rate of attrition and turnover must be identified to prevent service disruption and a breakdown of communication and collaboration among the agency and the community it is charged to serve.

Legislation

The legislation that governs services performed by DVI has not been updated, amended, or supplemented in over twenty years. Despite receiving numerous requests from the community it serves to ensure that the state follows federal mandates and serves the community of individuals with blindness effectively, DVI opted against pursuing legislative changes to bring Title 14 and other statutes governing its work into the 21st century. As a result, Delaware's eligibility requirements for services and expected outcomes applicable to certain consumer groups do not align with federal mandates and evidence-based standards.

Task Force members highlighted the fact that the Blind Entrepreneur Program is limited in its ability for expansion by legislation. Similarly, DVI's educational and VR programs are hampered by outdated legislation. Delaware's student to certified teacher of the visually impaired's legislatively mandated ratio of 28:1 severely lags behind the national ratio of 14:1. According to task force findings of fact, students with visual impairments including blindness are

the only members of the state's sensory disabilities community who are not entitled to twelve month educational programming. Despite the need for intensive braille, literacy, independence, social skill development, orientation and mobility, and other expanded core curricular needs, DVI has not supported and indeed at times rejected the community's efforts to make these necessary legislative changes.

Education

Students with visual impairments and blindness require complex, integrated, intensive, monitored services to ensure that they maintain appropriate access to the academic and expanded core curricula. Task force members discussed the importance of ensuring that students in Delaware receive an appropriate education under IDEA and members opined that meeting these criteria requires the state to establish appropriate thresholds for teacher staffing, maintenance and monitoring of educational standards and quality of services provided, legislatively driven oversight of educational programming, and frequent monitoring of service provision across the state to ensure that all applicable criteria established on federal and state levels are met.

Task Force deliberations revealed that the state previously applied a narrow eligibility standard to students seeking special education services related to their vision. Although Delaware's special education regulations underwent revisions in 2018, the task force received no information supporting a conclusion that students previously denied vision-related special education services resulting from the narrowly construed standards received new assessments to determine their eligibility for services.

Satisfaction survey results related to education of students with visual impairments including blindness were provided after the task force completed meeting four, but the results did not identify the extent to which parents, students, teachers, school district administrators, or others served as survey respondents. Moreover, educational performance data related to literacy, math proficiency, independence, proficiency with assistive technology, and social skill development provide evidence-based facts upon which to opine about the effectiveness of DVI's educational programming. DVI reports that it is working with industry experts, but specific data related to the educational performance of students receiving educational services from DVI was not presented to the task force for review.

Funding

In its FY2020 budgetary presentation to the Joint Finance Committee, DVI requested \$365,000.00 to support provision of services to the community. According to DVI's supporting documents, \$200,000.00 of the requested funds would be utilized to purchase assistive technology devices for consumers. Given the proliferation of technology devices available to individuals with blindness and the opportunities these devices provide to facilitate participation in a global economy, availability and access cannot be limited by frugality.

The digital white cane has a time of flight optical sensor that measures distance to obstacle. This cane allows an individual to receive wider scale information about the world around them, which increases independence and safety. DVI does not offer the system.

The next generation of iOS devices include magnifiers, display accommodations, speech enhancements and voiceover pronunciation editor mechanisms, which diminish the need for print materials and may eliminate the need to produce paper braille materials. Despite these developments, DVI maintains certain antiquated programs that will likely become obsolete in the very near future.

One device, with a price point of approximately \$5,700.00, can afford a student with opportunities to attain grade level literacy, proficiency in math, access to every APP available to sighted users, a library of literature, and GPS and other wayfinding technology. Technology, such as low vision devices, eyeglasses, white canes, computers, iPads, calculators, mobile devices, and other devices pave the way for employment, independence, and self-actualization within the community of individuals with visual impairments and blindness in Delaware.

Without appropriate funding to support ongoing training and development of AT skills and provision of life-changing devices to members of the community, the high unemployment and lower literacy rates within the community of individuals who are blind in Delaware will continue to rise.

Conclusion

DVI was placed under review by the Joint Legislative and Oversight Sunset Committee for valid reasons. Some of the issues requiring remediation fall outside of the agency's sole control, such as the right appropriations, organizational structure and personnel strength for the services required. Some inefficiencies result from a lack of innovative programming and legislative authorizations. Notwithstanding the causes of the issues the task force reviewed, this is an opportunity to fix issues that severely degrade DVI's capacity to provide services to vulnerable Delawareans.

In addition to reviewing the tabled recommendations, task force members recommended the following steps to ensure that individuals with visual impairments including blindness gain and maintain access to quality services:

1. The Delaware legislature must immediately amend Title 14 and all applicable statutes related to the education of students with visual impairments to ensure 12 month entitlement, sufficient numbers of certified teachers of students with visual impairments, certified assistive technology professionals, and other related services professionals to ensure adherence to IDEA and all relevant mandates applicable to eligible students with visual impairments and blindness;
2. The Delaware Department of Education, through an established oversight infrastructure, will establish and deliver state-supported educational programming dedicated to the education and training of students with visual impairments including blindness. Establishment of an appropriate educational program, outside of DVI, must include focused evaluation of funding to sustain programming, appropriate oversight and monitoring, and delivery of appropriate services by certified individuals based upon the individual student's learning needs;
3. DOE, or the State Attorney General's Office, through an independent monitor, must voluntarily audit all requests for vision-related services directed to DVI and/or LEAs

between 2007 and 2017 to determine whether IDEA and state procedural requirements have been met. All deficiencies identified must be immediately and fully remediated;

4. The Sunset Committee must coordinate directly with the Joint Finance Committee to achieve a budget that aligns with DVI's actual resource requirements;
5. The Sunset Committee must introduce legislation designed to create an oversight agency outside of DVI with full authority to provide consistent compliance examination, monitoring, and accountability metrics to ensure that services provided to individuals with visual impairments and blindness meet articulated performance standards;
6. It is necessary to create a work group that would draft technical and program changes to all of DVI's governing statutes: Title 29, Chapter 79, Title 31, Chapter 29 and Title 14, Chapter 2; and
7. Require the Secretary of the Delaware Department of Human Resources to engage outside consultants to develop evidence-based performance management standards and metrics that will be utilized to monitor and evaluate the effectiveness of the agencies and its provision of services to the community.

Elisha Jenkins

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC should not consider

Comments: Vacancies fluctuate as with any agency. DVI actively recruits for all vacancies.

Currently there are four teacher openings(due to a lack of qualified candidates these positions have remained vacant since being transferred to DVI in 2016); 1 Orientation and Mobility opening(due to a lack of qualified candidates these positions have remained vacant since being transferred to DVI in 2016); 1 Employment Service Specialist (vacated 8/30/19); 1 Trainer/Educator II - Technology(vacated 8/30/19); and in the hiring process for a 1 Supply Distribution Clerk(vacated 7/4/19) and 1 Social Service Senior Administrator

Vision Rehabilitation Professionals and Teachers for the Visually Impaired are low-incidence specialized positions that traditionally experience a personnel shortage nationally.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

Response Selected: JLOSC should not consider

Comments: With the exception of the Teachers for the Visually Impaired and Orientation and Mobility Specialists, DVI’s positions are a part of the State of Delaware’s Merit Classification system.

Due to the classifications of the Assistive Technology (CATIS- Assistive Technology certification for the visually impaired) and Vision Rehabilitation Therapist (Independent Living) in the state’s generic Trainer/Educator Career Ladder, it is not a job requirement for the employees to hold a Bachelor’s Degree, graduate degree or to obtain credentials through ACVREP. Thus without a degree, the individuals have limited options towards certification. However, DVI uses the core competencies, professional development, and attendance at Assistive Technology/vision rehabilitation conferences to train its team. CATIS is specific to the visually impaired. DVI has 8 staff certified through ACVREP (6 Certified Orientation & Mobility Specialists and 2 Certified Vision Rehabilitation Therapists) DVI has worked with HR to develop promotional standards to encourage certification, which is the level III and requires certification.

UEB proficiency is included in the personnel preparation programs. Teachers of the Visually Impaired complete a Braille Proficiency Exam to be credentialed. The transcriptionist in the Men with a Message program have their Letter of Proficiency in UEB. DVI annually obtains UEB professional development for the teachers.

Additional resources would be needed in order to account for the increased personnel costs and professional development.

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should not consider

Comments: Braille instruction is consumer driven for adults and provided according to the IEP for students.

DVI provides 1:1 instruction with resources such as Hadley, Perkins, and other tools to supplement the curriculum; DVI also hosts a Braille Club on a monthly basis.

Currently there are 12 adults actively learning braille.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with modifications

Comments: Suggested Revision: DVI shall actively seek resources from various sources for assistive technology to aid DVI consumers.

DVI seeks to collaborate with community organizations that have an expanded opportunity to grants that are often not available to state/government agencies.

The Federal Register and local grant opportunities are reviewed on a monthly basis.

Education is an entitlement, which requires AT needs of students to be met.

Vocational Rehabilitation is an eligibility program focused on reducing barriers to employment- AT is provided based on the needs of the individual related to their disability and their vocational goal.

DVI also provides consumers with resources to acquire low-cost AT solutions such as Computers for The Blind (\$150)

Low-end technology is provided to the elderly; higher-end technology is a need for many DVI consumers not connected to Education or VR; the agency works to repurpose or loan equipment when possible or collaborate with community resources to obtain technology, when available.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: JLOSC should not consider

Comments: DVI historically and currently provides access to AT professional development from a variety of sources.

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should not consider

Comments: With technology rapidly changing, the rapid ready program limitations include: “guessing” what will be needed for employment or training programs; thus items become discontinued or new versions are released resulting in an overstock of items that are not used

There are program specific restrictions by federal grants that limit the repurposing of the equipment that remains overstocked in inventory.

DVI’s Assistive Technology Centers are equipped with various technologies for demonstration. DVI assists with loaning equipment or providing trial versions of software. Since Rapid Ready was piloted in 2012, DVI has streamlined its procedures to reduce the time it takes to order and receive equipment.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: JLOSC should consider with modifications

Comments: Please see below revisions as suggestions for modifications.

DVI shall:

- 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 Vision Rehabilitation and Teachers of the Visually Impaired.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in Vision Rehabilitation and Teachers of the Visually Impaired.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should not consider

Comments: There are several tools available for orientation and mobility/safe travel. GPS is one of many that DVI incorporates into training depending on the needs of the individual. Outside of basic cane techniques, it is an individual's choice to select technology, if any, that best meets their needs. Focusing on a "Device" rather than a technique is challenging if the "device" malfunctions or is unavailable.

DVI's O+M team participates annually in profession specific summits/roundtable/professional development regarding best practices in the field, including technology.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should not consider

Comments: DVI and DOE both have responsibilities regarding the prior Task Force.

The Taskforce Recommendations were used as the basis for the Strategic Plan for Education. DVI and DOE share responsibility in five core areas (curriculum, instruction/literacy; pre-service/in-service; family engagement/systems and assistive technology) <https://www.dhss.delaware.gov/dhss/dvi/files/dvi-report-2016.pdf> This was developed by the majority of the same stakeholders.

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

Response Selected: JLOSC should consider with modifications

Comments: DVI shall promulgate regulations to implement and operate the BEP program. The regulations shall align with the Randolph Sheppard Act. Note: Some items listed below may be more effective in policies and procedures.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board: 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.

Response Selected: JLOSC should consider with modifications

Comments: The by-laws are the sole responsibility of the Blind Vendors Committee.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 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.

Response Selected: JLOSC should consider with no modifications

Rec. 10 – Implementation of BEP Audit Recommendations: 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].

Response Selected: JLOSC should consider with no modifications

Rec. 11 – BEP Set-Aside Requirements: DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

Response Selected: JLOSC should consider with modifications

Comments: An administrative action such as this requires active participation of the Blind Vendors Committee.

Rec. 12 – BEP Public Outreach: DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

Response Selected: JLOSC should consider with no modifications

Rec. 13 – Remove BEP from State Payroll and Pension Systems:
Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

Response Selected: JLOSC should consider with modifications.

Comments: Option 1: DVI shall transition the Blind Vendors off of the State of Delaware's payroll system. DVI shall work with the Office of Pensions to ensure Blind Vendors pension and pension contributions continue as a participating group of the State Employee Pension Plan.

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act: 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.

Response Selected: JLOSC should consider with no modifications

Rec. 15 – Strengthen Business Programs:

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.

Response Selected: JLOSC should consider with no modifications

Meeting #4 – Education Tabled Recommendations Worksheet

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

Response Selected: JLOSC should consider without modifications

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

Response Selected: JLOSC should consider with modifications

Comments: There is a national shortage of Teachers of Students with Visual Impairments. To address the shortage in Delaware, both the Department of Education and the Division for the Visually Impaired will promote and support alternate routes to certification and resources for personnel preparation.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should consider with no modifications

Rec. 26 – Implementing Education Service Model:

Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model:

- Level 1 (up to 8 consults/year) @ \$1,900 per student
- Level 2 (1 meeting/week) @ \$4,500 per student
- Level 3 (2-3 meetings/week) @ \$12,600 per student
- Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should consider with no modifications

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider with modifications

Comments: Braille instruction is an IEP team decision based on the student’s assessment. The law states, “In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines after an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media(including an evaluation of the child’s future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.”

Rec. 28 – DVI Resources for Individualized Education Program (IEP)

Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider with modifications

Comments: DVI shall provide vision related expertise to teachers, specialists, and counselor in the development of an IEP.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

The most effective and comprehensive services are provided by separate service agencies for the blind. With its current placement, students are provided with a continuum of services. A blind person requires an appropriate service system common to no other disability.

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

Response Selected: JLOSC should consider with no modifications

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Response Selected: JLOSC should consider with no modifications

Rec. 4 – Publish By-laws:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Response Selected: JLOSC should consider with no modifications

Sonya Lawrence

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC should consider with modifications

Comments: The State of Delaware must enact legislation to enable DVI to hire and retain qualified professionals. The agency has attempted to recruit people and they are unable to find certified individuals that can provide instruction. The agency is competing nationally for experts without sufficient tools and financial incentives to attract them. Student loan forgiveness, utilization of national recruitment firms, relocation expenses, retention bonuses, transportation subsidies for individuals who are visually impaired and are Certified TVIs (see Boston's contract with UBER), are all viable recruitment options, but the agency is not financially capable of engaging in such activities.

Recommendation: JLOSC recommends draft legislation to provide hiring and retention incentives to certified TVIs and Certified Orientation and Mobility Specialists. The legislation shall include funding for DVI to retain an outside recruitment vendor/company. In addition, DHSS shall retain an outside consultant to evaluate any culture, compensation, and supervision issues that may impact retention and recruitment.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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”).

Response Selected: JLOSC should consider with modifications

Comments: This recommendation relates to recruitment and retention. The larger issue here relates to the extent to which DVI and the state of Delaware offers recruitment and retention incentives to attract highly qualified candidates. If the state of Delaware did not require such certifications upon hire, and there are no mechanisms through which DVI may require such certifications post hire, the recommendation is not useful. Alternative recommendation: JLOSC will introduce legislation that facilitates recruitment of the highly qualified individuals. DHSS shall also require its human resources professionals and directors to redraft all position descriptions related to TVIs, Assistive Technology educators, O&Ms, and other professionals providing direct services to individuals with visual impairments and their families to include appropriate certifications at the time or within six months from hire (unless the certification is required to provide direct service). If DVI or the state of Delaware subsidizes the education needed to obtain the certification, the individual must repay the money (prorated) or agree to perform their job duties for at least as long as the time they spent in the certification program.

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should consider with modifications

Comments: The recommendation should be expanded to ensure that individuals (consumers) gain effective access to information, using all available media. Education and training using the latest technology and affording adults and students access to appropriate technology is the key to independence. Recommendation: DVI shall employ or contract with qualified vendors or individuals with expertise in accessibility and assistive technology who will provide group and individualized training to ALL members of the community (not just persons with open VR cases). DVI shall offer non credit and community accessible local courses and training, in collaboration with all of Delaware's colleges and universities, to empower individuals with visual impairments to utilize effectively all modes of technology. JLOSC will enact standards for implementation of this recommendation and employ a monitor to provide oversight.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with modifications

Comments: The State of Delaware shall fund, through appropriate budgeting, programs designed to provide access to and ownership of AT, to individuals with visual impairments. This funding shall be utilized to sustain training, education, and tools necessary to gain effective access to information and the environment.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: JLOSC should consider with modifications

Comments: DVI shall obtain funding and support from the state's budget to ensure that individuals with demonstrated competence in analyzing the needs of consumers with visual impairments, assisting in the selection of appropriate assistive technology to meet the consumers' needs, and providing ongoing education and training in the use of the selected devices, are employed by or contracted with the state to empower individuals to utilize technology in a functional and meaningful manner.

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should consider with modifications

Comments: State appropriations shall be designated to support procurement of assistive technology, APPs, and other devices and tools necessary to support independent and functional community engagement.

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: JLOSC should consider with modifications

Comments: Please see the previous recommendations listed in answers 1 and 2.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should consider with modifications

Comments: Orientation and mobility specialists must demonstrate knowledge and understanding of a multitude of competencies in O&M, including but not limited to assistive technology, low vision tools, and modalities designed to enhance independent movement and orientation. O&M specialists working with children should obtain or upon hire possess special education or related educational degrees or certifications to ensure the safety and effective learning of students.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should consider with modifications

Comments: The State of Delaware, through DHSS, DOE, or another independent agency, shall hire an independent monitor to ensure that all 2015 Task Force recommendations are implemented, audited, and monitored.

Meeting #4 – Education Tabled Recommendations Worksheet

Sonya Fair Lawrence, BSN, JD, CHC

October 10, 2019

Parent of a Child with a Visual Impairment

Member, Delaware Vocational Rehabilitation Advisory Council for DVI

RESPONSES TO MEETING #4 RECOMMENDATIONS AND ADDITIONAL
RECOMMENDATIONS SUBMITTED PURSUANT TO SRS

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

Response Selected: JLOSC should consider without modifications

Comments: Advocates of this community worked collaboratively to revise § 206, Title 14, Chapter 2 and Title 31, Chapter 21, to align state law with federal requirements and evidence-based practices in the areas of service provision to citizens who are blind and visually impaired. In 2009, 2012, and 2015, versions of these recommended legislative changes were collaboratively written with former Directors of DVI in 2009, 2012, and 2015. Members of the community have repeatedly presented these recommendations to DHHS for implementation. To date, DHHS has opted against presenting these recommended changes to the legislature for implementation.

It is unclear whether the recommendation includes the entirety of legislation outlined in the above-referenced statutory provisions. I espouse a wholesale review and amendment of these statutory provisions. Therefore, this recommendation is not limited to section (e) as outlined within Recommendation 3.

See recommended changes to legislation provided by Dr. Debbie Harrington on October 10, 2019. I concur with those changes.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

Response Selected: JLOSC should consider with modifications

Comments: Approximately fifteen (15) years ago, out of frustration with access to speech therapy services in the state, Lauren Devard's mother Samtra called

Representative Valerie Longhurst. Representative Longhurst, our current House Majority Leader, heard her constituent, understood the need, and worked tirelessly to right this wrong. One newly elected legislator made a difference in the lives of numerous Delawareans by championing the need to bring speech therapist educational programming to Delaware.

The formula is already created and Representative Longhurst's successful trail has been blazed. Delaware needs to bring graduate programming for certified TVIs, O&Ms, AT specialists, and other professionals who are specially trained to serve individuals with visual impairments to this state and at least one of its eight colleges and universities in Delaware should receive fiscal and operational support to address this longstanding need.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should consider with modifications

Comments: Revised from original transmission to Lt Governor on April 23, 2017

Current Date: October 9, 2019

A Memorandum of Understanding governs the collaborative work that should involve DVI, DOE, and the LEAs of this state. Failure to communicate effectively and to defer to an overarching authority related to the education of students with visual impairments and blindness continues to impede effective delivery of educational services to students. I am prepared to share a list of occurrences that required involvement of Secretaries Walker (and Secretary Land graff) and Secretary Bunting (and her predecessor) to address communication failures involving IEP compliance, educational placement, delivery of expanded core curriculum and extended school year services and required instructional materials.

The Memorandum of Understanding was designed to enhance communications, but it has not been revised and oversight or auditing of compliance does not regularly occur.

The attached outline of concerns was presented to the Lieutenant Governor in April 2017. The Lieutenant Governor initiated steps to bring the two agencies together to address these concerns, but the MOU has not been updated and certain LEAs appear to be unaware afthe responsibilities of all parties involved in the education of students with visual impairment and blindness.

Please see attached.

Concerns Related to the Memorandum of Understanding between the Delaware Division for the Visually Impaired, the Delaware Department of Health and Social Services, the Delaware Department of Education, and Local Education Agencies

IV. Glossary

Accessible Instructional Materials:

1. DVI will provide AIM/AEM as they relate to the core curriculum
2. DVI may furnish AIM/AEM as needed for expanded core curriculum (if resources are available)
3. If materials not readily available, then DOE via AIM shall provide.

Assistive Technology

Language currently states that an Assistive Technology professional from DVI and/or the LEA may assist the student with assistive and informational technology, including AT assessments. The MOU further states that the TVI may act as an AT specialist, if her/his background permits. Issue: Ambiguity leads to inactivity.

Consultancy

The MOU states that requests for consultation must be made directly from the DOE staff person requesting the service directly to the DVI teacher liaison for that LEA.

Requests for consultancy to DOE administrative staff must be requested from the DOE administrator to the DVI Principal, Deputy Director, or Director.

Issue: the process is unclear. Proposed:

Itinerant Teacher:

Issue: no definition of a teacher of the visually impaired.

Related Educational Services:

Issue: Assistive Technology and Independent Living services omitted from language.

Specialized Equipment

DVI will provide specialized equipment to the extent of its budget, as long as the equipment is necessary to implement the services identified on the student's IEP.

Issue:

A. The MOU fails to define the ultimate arbiter of "necessary to implement services" and does not contemplate an appeals process if an individual determines that they do not need to purchase equipment to implement the services. Moreover, past practices have shown that DVI's budget does not contemplate purchase of equipment for all students.

B. According to the language identified in the Agreement, students without IEPs, who may be eligible for DVI's services, will not receive specialized equipment from DVI. Students with

Section 504 plans could effectively be left without the tools necessary to access the educational curriculum.

C. Vocational Rehabilitation

Issue: The definition significantly limits the services that must be provided to VR students. There is no mention of the independent living, assistive technology, and orientation and mobility specialists DVI employs to implement VR activities.

V. Eligibility

Issues: A-K do not provide a clear set of criteria for determining eligibility. LEAs and DVI do not appear to understand or otherwise agree on the degree to which students are eligible to receive DVI's services from birth through age 21 or maximum age for completion of high school.

A. An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. (IDEA definition).

B. Delaware eligibility requirements are set forth in the existing MOU. These eligibility criteria do not align with the federal requirements and have since been corrected. Note that issues remain related to the extent to which students previously deemed ineligible received additional assessments to determine whether they, in fact, qualify for services under IDEA and the newly implemented Delaware special education eligibility regulations.

6.17 Eligibility Criteria for Visual Impairment including Blindness :

6.17.1 Blindness shall be defined as a visual acuity of 20/200 or less in the better eye with best correction, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees.

6.17.2 Partially Sighted shall be defined as a visual acuity between 20/70 and 20/200 in the better eye after best correction, or a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually. Partially sighted shall also include a degenerative eye disease, which in the opinion of a licensed ophthalmologist or optometrist, is expected to reduce, in the future, either visual acuity or visual field, resulting in partial sight or blindness. A visual impairment may be accompanied by one or more additional disabilities, but does not include visual perceptual or visual motor dysfunction resulting solely from a learning disability.

6.17.3 A licensed ophthalmologist or optometrist shall document that a child has a best, corrected visual acuity of 20/200 or less in the better eye, or a peripheral field so contracted than the widest diameter of such field subtends less than 20 degrees (for blindness), legally blind, or a visual acuity of 20/70 or less in the better eye after all correction, (for partially sighted), or a degenerative eye disease, or has a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually.

6.17.4 The IEP team shall consider the documentation of visual impairment in addition to other information relevant to the child's condition in determining eligibility for special education under the above definition.

6.17.5 The age of eligibility for children identified under this definition shall be from birth until the receipt of a regular high school diploma or the end of the school year in which the student attains the age of twenty-one (21), whichever occurs first.

VI. VR Services

Enforcement of the provision requiring pre-employment services for students age 14 is not specifically outlined and DVI's staff report that such services are not currently provided consistently to students in middle school (at least not for students age 14).

VII. A. DVI'S RESPONSIBILITIES

-Use of the term "but not limited to" makes the services described ambiguous. Specifically, the MOU should mention every current service to which students are entitled so that LEAs know the full complement of services available to their students. (e.g. Independent living services for students.)

--Although the term 'Expanded Core Curriculum is utilized in the MOU, the specific services provided to students to satisfy ECC standards is absent from the document.

-- DVI no longer employs Child-Youth Counselors. According to the MOU, Child Youth counselors participate in the IFSP process, provide monthly updates to families and Child Watch, and connect families to resources. Whomever currently provides such services for children under an IFSP should be specifically identified in the MOU and their duties should be specifically identified.

-- 2d outlines the services DVI will provide, but again fails to mention that independent living and assistive technology services are an integral part of the expanded core curriculum.

-- 2f. Frequency of Assessments: children birth to three are entitled to annual functional vision assessments, but students actually enrolled in academic programs (elementary through high school are only entitled to an assessment once every three years, unless otherwise requested). This appears to create areas of vulnerability for students with progressive eye disease and other conditions that worsen over time. Moreover, students who do not have IEPs are not covered under this provision.

With respect to 504 students, each district may employ its own methodology for reviewing the eligibility of Section 504 students. At the very least, periodic re-evaluation is required. The MOU assumes that the triennial process will be utilized.

--Finding Section 504 students: Section 504 requires school districts to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services. This MOU does not provide specific guidance to districts regarding how to identify students that may require vision, assistive technology, orientation and mobility, and independent living services. Moreover, because the eligibility regulations in Delaware changed to meet federal requirements, students with current Section 504 plans may not be eligible for special education services because their vision impacts their education.

--Vision assessments obtained by DVI must be provided to the student's IEP or Section 504 oversight team within the time required under federal and/or state law. This exchange of information must occur, even when DVI obtained the assessment for the purposes of implementing an IPE. This provision does not address where the assessments should be archived, review for accuracy, and actions to be taken when timely provision does not occur.

-- DVI to provide demographic data reports to LEA Special Education Director by May 1 of each school year. To ensure that all students' needs are properly assessed and

LEAs have accurate information to ensure that students' services may continue uninterrupted, all VI assessments and recommendations for service provision must occur before May 1. This does not appear to be happening today.

-- Digital Rights Managers from DVI must be identified and reported to each child's IEP, Section 504

team upon initiation of the child's IEP. Confusion regarding who will obtain instructional materials is still an issue and clarity must be brought to this process. If students require academic materials in alternate formats, a specific process between LEAs and DVI must be identified. Given the electronic nature of materials submission, it is feasible to assign timelines associated with transmission of information to the appropriate parties for creation. Efforts have been undertaken to streamline the processes associated with accessible materials, but the MOU does not appear to contain those changes.

--The MOU states that DVI will provide visual assistive technology products to students and training to classroom staff. The MOU language in Section 2.J. should be revised to create more clarity around the definition of "visual assistive technology products". Is DVI the agency that will receive AT requests from the IEP/Section 504 teams in all cases? Does DVI have discretion to honor these requests? Language highlighted previously leaves to DVI the discretion to purchase specialized equipment if their budget permits.

--The language of Section 2.J. can be interpreted to require DVI to provide the student and classroom staff with assistive technology training. To date, DVI has not routinely deployed specialized staff to school settings to train students and staff on assistive technology. It is clear that TVIs may possess some level of knowledge regarding certain assistive technology equipment, but their time and specific expertise with respect to emerging technology available to students with visual impairments is likely insufficient to ensure that students receive direct instruction to develop skills necessary to utilize independently and effectively utilize the AT that may provide them with necessary access to the curriculum.

--Referral for VR services appears to be centered upon a TVI's referral at age 14. Since TVIs may not serve directly all students with visual impairments that may be eligible for VR services, this mechanism may not ensure that all students receive proper, timely referrals for pre-employment services. In addition, it is unclear that DVI is actively providing to all students 14 or older pre-employment services identified in this Agreement.

Further, if parental consent is required, DVI should transmit specific information related to the benefits of pre-employment activities and the specific activities in which they will engage with students during this pre-employment period. The LEA should receive the same information and actively engage with parents to ensure consent is obtained, when appropriate.

The MOU outlines required pre-employment activities, but there appears to be no mechanism by which the required activities are delivered to students. LEAs should be apprised that these required activities are available to VI students, so that the IEP, 504, or educational team may ensure that the student receives access to these services.

-- DVI is required to assign a DVI-VR counselor to LEAs and educational programs serving students in grades 9-12. DVI will provide to LEAs a list of the DVI VR counselors' schedules. Is this provision designed to assign VR counselors to each high school or only the educational programs serving VI students? If to the former, is DVI

resourced sufficiently to satisfy these requirements? If not, alternative plans must be made.

3. Professional Development and Technical Assistance

-- It is unclear whether DVI's current staff fully understands the requirements of the MOU and the manner in which such DVI-related responsibilities will be discharged. The MOU should mandate professional development and technical assistance to all persons responsible for implementing the terms set forth in the MOU.

4. Collaboration on Relevant Policies:

-- DVI development of policies related to the education of students in Delaware must be overseen by agencies or legislative bodies who maintain ultimate responsibility for provisions of FAPE to students. Since LEAs maintain ultimate responsibility for education of students under IDEA and Section 504 of the Rehabilitation Act, such policies should not be implemented unilaterally, without input of other stakeholders. Moreover, the policies must be made available to the public and should be explained to parents, students, teachers, and others involved in the educational process.

5. Operational Oversight of Staff and Funding

-- Submission of requests for funding sufficient to provide FAPE. The paragraph does not provide specific details regarding the state agency/ies to whom such requests will be made and the specific services for which DVI will seek funding.

6. DVI's "inability" to provide services should be evaluated carefully to determine the best means through which to ensure students do not experience a break in service. DVI's notification to LEAs only is not sufficient to protect the rights of the student(s). Under these circumstances, students may be denied FAPE. Therefore, such decisions should be brought before an oversight committee who is charged with evaluating the cause and remedies associated with DVI's "inability" to provide services to students.

B. DOE

a. Technical Assistance regarding provision of FAPE and required educational services to DVI is required immediately. Issues such as unilateral decision making outside of IEP and Section 504 meetings must be addressed to ensure that DVI understands the regulatory requirements associated with students receiving special education and other services.

b. Grant funding supporting DVI services for students appears to be inadequate to support DVI's provision of services to students. Funds sufficient to provide services to students with visual impairments who receive special education services under IDEA are not optional. Even if the student does not have a Section 504 plan or IEP, DVI's provision of services to such individuals cannot be limited by funding. If DHHS is unable to fund properly the agency responsible for serving persons with visual impairments in needs of education and related services, an appropriate department within the state should assume responsibility for this important work.

c. DDOE's provision of monitoring oversight currently evaluates the extent to which the LEA is compliant with IDEA and Section 504. DDOE's monitoring of DVI, in particular, should be designed to evaluate specifically the services provided by DVI's education program. For example, monitoring of DVI's adherence to this MOU should occur on an annual basis. Such monitoring will include the extent to which decisions were made in collaboration with the IEP or Section 504 team. Whether DVI provided

appropriate notice to LEAs and families if services could not be provided, whether assessments occurred and were shared appropriately with the IEP team, etc.

C. LEAs

--Information shared with DVI should be limited to "need to know" only. The list of information contained on page 21, paragraph J. may not be required for provision of VR services. Indeed, evaluation and qualification for certain services, should not be contingent upon psychological examinations, provision of social security numbers, etc. unless absolutely necessary. In fact, such details are not required to meet eligibility requirements for special education under IDEA and Delaware's implementing regulations.

--The referral process for identification of students with potential visual impairments should be specifically set forth in this document. What are the criteria that warrant referral to DVI? To whom should the referral be made? What kind of information can be shared with DVI absent consent from parents? What other mechanisms exist for evaluation of the student with a suspected visual impairment if parental consent to contact DVI is withheld?

-- LEAs should offer and provide technical support to DVI when it seeks to make hiring decisions related to assistive technology, special education, or other professional staff who will provide services to students enrolled in educational programs.

DDOE and DVI

--Coordinate legislative activities to update and ensure that services provided to students with visual impairments and blindness are provided consistent with needs of students and regulatory requirements.

Review annually and revise, when appropriate, requirements for Certified TVIs and other professionals to ensure appropriate standards are met.

--Section D, paragraphs 7, 8, and 9 appear too general and do not specifically set forth what the agencies must do to comply. Staffing, programming, and assessment adoption and development are extremely important aspects of the delivery of educational services to students who are visually impaired. These sections must be revised to provide clarity and timely action.

The parties must amend this MOU immediately to ensure that it complies with federal law, state regulations, and facilitate provision of appropriate services to students with visual impairments and blindness in this state.

Rec. 26 – Implementing Education Service Model:

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should not consider

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

Response Selected: JLOSC should consider with modifications

Comments: Part B of the Individuals with Disabilities Education Act ("IDEA"), defines the scope and nature of challenges that establish eligibility for special education and related services. 34 CFR

§300.8(a)(1). The IDEA deems eligible for special education and related services "all students with an impairment in vision that adversely affects their educational performance." 34 CFR

§300.8(c)(13).

If a student's vision impairment renders them eligible for special education services under IDEA, the child must also be considered eligible to receive braille instruction. Braille is the only literacy tool mandated by the IDEA (Ryder, 2017). Section 614(d)(3)(B)(iii) of the IDEA requires Individualized Education Program (IEP) teams to "provide for instruction in Braille and the use of Braille ..." to ensure that the student receives a free appropriate public education ("FAPE"). Although this federal mandate applies to all state agencies, including public school districts providing special education services to students with visual impairments, the number of students receiving Braille instruction continues to dwindle (Stanfa & Johnson 2015).

The population of students with visual impairments is diverse and extremely complex (Ryder, 2017). Although the needs of these students vary, braille remains an effective means through which students with visual impairments access the educational curriculum (Bell & Mino, 2013). Research shows that knowledge of braille provides numerous benefits, including increased likelihood of obtaining productive employment and heightened self-esteem (Bell & Mino, 2013). Because braille proficiency is inextricably linked to student success, states and their public agencies must not only ensure that students with visual impairments receive braille instruction, but also reach and maintain braille literacy skills that remain aligned with grade-level expectations for academic performance (Ryder, 2017).

The federal mandate is clear, students with visual impairments must receive braille instruction unless such instruction is not appropriate. 34 CFR §300.324(a)(2)(iii). In a June 13, 2013 letter, issued by the Office of Special Education and Rehabilitative Services ("OSERS"), the federal government addressed complaints that states refused to provide braille instruction to eligible students (Musgrove, 2013). In the letter, OSERS not only reaffirmed the federal presumption toward braille instruction but also emphasized that the instruction must be designed to ensure that the student maintains a level of braille proficiency sufficient to maintain meaningful access to the educational curriculum (Musgrove, 2013).

OSERS also offered advice to states and IEP teams considering the means through which to establish meaningful utilization of braille by its eligible students with visual impairments. The recommendations included interventions involving "[s]ystematic and regular instruction from knowledgeable and appropriately trained personnel ..., sufficient instructional time allotted for braille instruction, including

intensive instruction when appropriate, and thorough and rigorous evaluations designed to ensure meaningful access to and an ongoing ability to make progress in the general curriculum." (Musgrove, 2013).³⁷³

OSERS also directed states to avoid impermissible denials of braille instruction due to factors such as "shortages of trained personnel to provide braille instruction; the availability of alternative reading media (including large print materials, recorded materials, or computers with speech output); or the amount of time needed to provide a child with sufficient and regular instruction to attain proficiency in braille." (Musgrove, 2013).

Although the Delaware Department of Education maintains responsibility for oversight and monitoring of special education-related services in the state, it neither maintains direct oversight of vision-related educational services provided to students with visual challenges or blindness nor oversees state mandated standards for delivery of braille instruction or other vision-related special education services (DVETF, 2015). Instead, the Delaware Department of Health and Social Services, through its Division for the Visually Impaired ("DVI"), maintains primary responsibility for delivering statewide vision-related services to students who are blind or significantly visually challenged (DVETF, 2015).

In the absence of clearly articulated braille instructional standards in the state, Delaware's local educational agencies develop IEPs containing goals related to braille literacy based upon the subjective recommendation of the assigned teacher for the visually impaired (DVETF, 2015). Neither the Department of Education nor DVI conduct regular audits or engage in ongoing monitoring activities designed to measure compliance with federal braille instructional mandates (DVETF, 2015).

Although the agency claims responsibility for delivering braille instructional services to students across the state, DVI readily admits that it does not conduct regular assessments of students' braille reading proficiency levels based upon evidence-based standards and does not maintain standards requiring its teachers to measure grade-level braille reading proficiency levels at any time during the braille instructional period (Harrington, 2018). Given the lack of regular monitoring and absence of state benchmarks against which to measure braille literacy or instructional quality and effectiveness, it is no surprise that students who receive braille instruction historically exhibit lower literacy levels than their sighted peers and peers with visual impairments in other states (DVETF, 2015).

It is important to note that reading proficiency is much more than a student's ability to read and write. According to experts, reading proficiency includes three key elements: (i) the ability to decode text; (ii) ability to explain the meaning of the text in simple and complex terms; and (iii) student's must possess sufficient knowledge of the vocabulary presented in the text to understand it fully (Report of the National Reading Panel2000a).

While the text may be presented in a format that is different from traditional print and accessibility to the text is primarily gained through developed tactile skill, reading proficiency must be established in literary braille readers at the earliest possible time (Report of the National Reading Panel2000a). If a sighted child's ability to read proficiently on grade level is an important factor in determining school success and predicting high school graduation, the same barometer can be appropriately utilized to predict the success of students who utilize literary braille as a primary means of learning. (Report of the National Reading Panel2000a). Consequently, students who

utilize literary braille to read and learn must be afforded the same opportunities that are³⁷⁴ available to students utilizing print media to access their school curricula (Report of the National Reading Panel 2000a).

Delaware's Departments of Education and Health and Social Services acknowledge that educational programming directed toward students with visual impairments has not always aligned with federal mandates for delivery of free appropriate public educational services, yet neither entity directs meaningful efforts toward identifying the specific causes of braille literacy deficiencies among students with visual impairments in the state (DVETF, 2015).

In the absence of affirmative efforts to improve braille literacy rates among students with visual impairments in Delaware, and perhaps other states, effective parental advocacy may be the only chance students have to attain proficiency in braille. Proficient braille readers enjoy greater independence, success, and personal well-being. (Allen & Daly, 2002). Therefore, parents can make a significant contribution to their child's future if they gain access to the tools needed to advocate and support braille literacy (Allen & Daly, 2002).

(REFERENCE MATERIALS AVAILABLE UPON REQUEST)

Rec. 28 – DVI Resources for Individualized Education Program (IEP)

Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

Response Selected: JLOSC should consider with modifications

Comments: The recommendation does not fully address the educational needs of all students with visual impairments or blindness who may benefit and are supposed to be served by DVI. Although the focus of these recommendations continues to relate to students with IEPs, students with Section 504 plans or other vision-related services are entitled to services provided by DVI under current statutory law. DVI must not impermissibly limit its education services to students with IEPs.

Even if the recommendation was specifically drafted to address only IEPs (a methodology that will not work in this context) all members of the IEP team must understand the needs of the student. Parents and students are vital members of an IEP team. The recommendation does not identify them or the other related service providers that most often develop and implement a student's IEP.

An appropriate recommendation could be drafted that underscores DVI's responsibility to provide services to all students with visual impairments or blindness, regardless of whether they have an IEP, Section 504 plan, or certain VR or ECC needs that do not require development of an IEP.

The Department of Education is best suited to oversee these issues and to ensure that students receive a free appropriate education.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

WHAT IS THE APPROPRIATE LOCATION FOR VISION SERVICES PROVIDED TO INDIVIDUALS AGES 0-21 IN THE STATE OF DELAWARE?

DVI does not receive direct oversight from any agency or authority with specific expertise related to the education of students. Moreover, DHHS and DVI assert that they are not subject to the Procedural safeguards outlined in Section 1415(a) of the IDEA because they are not recipients of assistance under the statute.

The safeguards outlined in Section 1415(a) are designed to ensure that children with disabilities and their families maintain certain guarantees and remedies to ensure receipt of a free appropriate public education (FAPE) from such agencies. DVI had previously taken the position that they are free to make determinations that impact the provision of FAPE to students to whom the agency provides educational services, but is not ultimately responsible or accountable if FAPE does not occur. This position has caused certain local education agencies in Delaware to hire their own vision professionals and/or to engage the Department of Education to remediate issues when they arise related to fidelity to a student's IEP or other education related issues.

It is also important to note that DVI, by its own admission does not receive funding sufficient to adhere to the evidence-based requirements for provision of education-related services to students. When the Office of Special Education Programs of the U.S. Department of Education issued a Memorandum clarifying eligibility determination for children suspected of having visual impairment including blindness on May 22, 2017, I sent to Secretary Bunting a letter outlining the need to immediately address the improper procedures utilized to identify students with visual impairments and blindness during the special education eligibility process. (Appendix 1).

Secretary Bunting responded and facilitated regulatory changes designed to align Delaware's regulatory mandates with federal law. During the process, it became evident that, notwithstanding the IDEA compliance issues underlying the regulatory changes, DVI took the position that

"the Division for the Visually Impaired would be evaluating students and allocating resources to those who may not require the services. The Division would also require additional staffing to an already challenged system (emphasis added) to assess new students while current students with visual impairments would accrue missed service time to perform the evaluation. Also, conditions that immediately and potentially impact academic and functional impact are not referenced." (Email from E. Jenkins to Department of Education personnel, dated January 18, 2018). (Appendix 2).

Although DVI sought to emphasize its inability to provide appropriate services to all students with visual impairments and those seeking special education services, this position simply is not lawful. To date, we have not been assured that every student previously denied special education services under the impermissibly narrowed regulations in effect prior to early 2018 has been reassessed. It is conceivable, therefore, that there are students with visual impairments or blindness in Delaware who are not receiving services necessary to ensure that they receive FAPE.

If the agency is dependent upon DHHS to allot appropriate resources to facilitate compliance with the law, and DHHS remains unable or unwilling to manage properly the fiscal, personnel, and legal requirements associated with service delivery, it is not reasonable to leave the education of students with visual impairments and blindness in its current structural location.

Proper funding, oversight, auditing and monitoring, corrective action, expertise, and lawful implementation of federal and state laws and regulations are required to serve students with visual impairments properly and blindness properly. Although DVI has not historically enjoyed the benefit of appropriate funding and oversight of its programming designed to provide educational services to students with visual impairments and blindness, the IDEA's overarching purpose remains the same: the statute must be construed broadly to include as many children with disabilities as possible.

Delaware's students with visual impairments and blindness deserve a chance in life. That chance is inextricably tied to the caliber of education-related services they receive. My son has waited for twelve years for definitive action. He now travels two and one-half hours each day to a school in another state to receive an appropriate education. How long is too long for this state to wait to resolve obvious deficiencies with educational programming for students with visual impairments?

The JLOSC must move responsibility for educating students with visual impairments and blindness to a state agency, to an agency that accepts responsibility for providing procedural safeguards to students and families required under IDEA and maintains the ability to serve properly all students who qualify for educational services under IDEA, Section 504, and/or other legal requirements. DVI does not currently meet these criteria.

SR 8, lines 15-16 enables the Task Force to consider additional recommendations that the Task Force identifies.

I urge the members of the Task Force to request additional consideration of the following:

1. Commission an expert or consulting firm with expertise to conduct an intensive review of all previously assessed students with visual impairments or blindness and all individuals 0-21 (or age before graduation) identified in the DVI registry to determine the extent to which those students are now eligible to receive special education services under IDEA or educational assistance under Section 504.
2. A Statewide Director for Education of Blind and Visually Impaired students must be hired to oversee the education program. This person must maintain expertise in organizational leadership, personnel development, strategic planning, and educational administration. Without the appropriate leadership in place, the educational program will not progress to a level of excellence that our students deserve. (See Maryland model)

APPENDIX 1

VIA ELECTRONIC MAIL
The Honorable Susan Bunting, EdD

Secretary of the Delaware Department of Education
The Townsend Building 401 Federal Street, Suite 2
Dover, DE 19901-3639

Dear Secretary Bunting:

June 20, 2017

On May 22, 2017, Ruth E. Ryder Acting Director Office of Special Education Programs of the U.S. Department of Education issued an informative Memorandum clarifying Eligibility Determinations for Children Suspected of Having Visual Impairment Including Blindness under the Individuals with Disabilities Education Act (IDEA) . The Memorandum explicitly directs states to adhere to IDEA requirements when determining the extent to which a student with visual impairment or blindness seeks special education services. We write today to confirm that the Delaware Department of Education intends to immediately address its narrowly construed eligibility requirements affecting students with visual impairments including blindness.

We recognize that States are permitted to establish standards for eligibility for special education and related services, and are not required to use the precise definition of a disability term set forth in the IDEA, Ms. Ryder's memorandum clearly states that "these State-established standards must not narrow the federal statutory definitions of "visual impairment including blindness". The recently issued memorandum stresses that impairment in vision, regardless of significance or severity, must be included in a State's eligibility criteria, "provided that such impairment, even with correction, adversely affects a child's educational performance." Based upon this mandate, States may not use criteria or other definitions for "visual impairment including blindness" that result in the exclusion of students who experience adverse effects with respect to educational performance because of their visual impairment or blindness.

At present, Delaware's regulations limit eligibility for special educational services as follows :

6.17 Eligibility Criteria for Visual Impairment including Blindness :

6.17.1 Blindness shall be defined as a visual acuity of 20/200 or less in the better eye with best correction, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees.

6.17.2 Partially Sighted shall be defined as a visual acuity between 20/ 70 and 20/200 in the better eye after best correction, or a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually . Partially sighted shall also include a degenerative eye disease, which in the opinion of a licensed ophthalmologist or optometrist, is expected to reduce, in the future, either visual acuity or visual field, resulting in

partial sight or blindness. A visual impairment may be accompanied by one or more additional disabilities, but does not include visual perceptual or visual motor dysfunction resulting solely from a learning disability.

6.17.3 A licensed ophthalmologist or optometrist shall document that a child has a best,³⁷⁸ corrected visual acuity of 20/200 or less in the better eye, or a peripheral field so contracted that the widest diameter of such field subtends less than 20 degrees (for blindness), legally blind, or a visual acuity of 20/70 or less in the better eye after all correction, (for partially sighted), or a degenerative eye disease, or has a disease, condition or impairment of the eye or visual system that seriously affects visual function directly, not perceptually.

To adhere to federal mandates, Delaware must broaden its eligibility regulations to ensure that students with visual impairments including blindness are not impermissibly denied special education services. In addition, the Department must ensure that the state agency to which it has entrusted implementation of such guidelines, fully complies with the federal mandates governing identification of students with visual impairments who qualify for special education services.

Delaware's current eligibility regulations state:

6.17.4 The IEP team shall consider the documentation of visual impairment in addition to other information relevant to the child's condition in determining eligibility for special education under the above definition. (Emphasis added).

The Delaware Division for the Visually Impaired has not consistently adhered to the criteria set forth in Section 6.17.4. Although DVI's leadership recently reported that they conduct functional vision examinations prior to making eligibility determinations, this practice does not satisfy the state's eligibility mandates or the IDEA. Eligibility decisions made outside of the protections afforded by the IEP process are simply unlawful.

We recommend the following steps to ensure that students with visual impairments including blindness gain and maintain access to appropriate special education services:

1. The Delaware Department of Education (DOE) must immediately amend the narrowly drafted eligibility requirements set forth above. Such amendments must include directives to ensure that all students with visual impairments or blindness for whom the IEP team determines that special education services are not appropriate, must be evaluated to determine whether vision-related accommodations warrant implementation of a Section 504 plan. If students require vision-related accommodations under a Section 504 Plan, DVI will provide such services with the frequency and quality required under the Plan.
2. DOE, through an appointed independent monitor, will exercise proper and effective oversight to ensure that an IEP team evaluates every request for provision of education-related services to students with visual impairments including blindness.
3. DOE, through an independent monitor commissioned by the Governor, must voluntarily audit all requests for vision-related services directed to DVI and/ or LEAs between 2007 and 2017 to determine whether IDEA and state procedural requirements have been met. All deficiencies identified must be immediately and fully remediated.

These regulatory changes require immediate attention. We request a written response³⁷⁹ outlining the Department of Education's plan to address the above-identified issues on or before July 1, 2017. Thank you in advance for your attention and swift action.

Kindest regards,
Sonya Fair Lawrence, Parent Advocate

APPENDIX 2
Gmail - DHSS recommendations and article

Sonya Lawrence
DHSS recommendations and article
2 messages

Thu, Feb 15, 2018 at 2:35PM

Veenema Susan
To: Sonya Lawrence, Celestin Sarah, Rosswog Sarah, Harrington Debbie

Hi all,

Here is the email we are reviewing today. Thank you for being on the call.

From: Cunningham Emily
Sent: Wednesday, January 24, 2018 5:49:16 PM
To: Mieczkowski MaryAnn
Cc: Hickey Catherine T.
Subject: FW: Regarding 925 tonight per our discussions

FYI regarding 925 ...

From: Jenkins, Elisha (DHSS)
Sent: Thursday, January 18, 2018 4:47PM
To: Cunningham Emily; Magarik Molly
Subject: RE: Regarding 925 tonight per our discussions

Thank you for discussing with me and your assistance .

While we understand the compliance requirement, the Division for the Visually Impaired would have recommended the following proposed regulations for 6.17:

- Eligibility:
 - 1) a medical report by a licensed ophthalmologist or optometrist
 - 2) a functional vision evaluation conducted by a certified teacher of students with visual impairments (TVI) and/or a certified orientation and mobility specialist (COMS)
 - 3) a learning media assessment that must be conducted by a teacher of students with visual impairments (TVI); A learning media assessment (LMA) must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is an impact

(Allowing for both visual eligibility and education and functional impact to be considered)

The proposed regulations are very loose and open to interpretation; There is no specification on who determines eligibility which leaves this open to anyone assuming this role rather than qualified professionals;

In addition, the Division for the Visually Impaired would be evaluating students and allocating resources to those who may not require the services. The Division would also require additional staffing to an already challenged system to assess new students while current students with visual impairments would accrue missed service time to perform the evaluation.

Also, conditions that immediately and potentially impact academic and functional impact are not referenced.

Federal law 34 CFR §300.304(c)(4) requires that "the child is assessed in all areas related to the suspected disability" and 34 CFR §300.304(c)(6) 10

To make professional decisions regarding eligibility, an evaluation by a qualified professional should be conducted (34 CFR §300.302).

- IEP team membership should require a Teacher of the Visually Impaired and Certified Orientation and Mobility Specialist as a member of the IEP team to ensure an expert in the field is included in the decision making.

We look forward to ongoing discussions.

Thank you,
Elisha

From: Cunningham Emily
Sent: Thursday, January 18, 2018 4:42 PM
To: Magarik, Molly (DHSS); Jenkins, Elisha (DHSS)
Subject: Regarding 925 tonight per our discussions

This particular revision addresses this special issue brought to the attention of the Delaware Department of Education as part of information provided by the US Department of Education.

The Delaware Department of Education plans a complete, in-depth review of not only this regulation but other special education regulations, as well. Committees have been selected and meetings have already begun.

Emily W. Cunningham
Chief of Staff/Policy Analyst Delaware Department of Education

Marika Ginsburg-Block, Ph.D.

Associate Professor & Coordinator School Psychology Program University of Delaware

adversely affects ed performance law brief highlighted defs.pdf 391K

Sonya Lawrence
Sun, Aug 12, 2018 at 2:39 PM
To: Sonya Lawrence
Sent from my iPhone

Begin forwarded message:

[Quoted text hidden]

adversely affects ed performance law brief highlighted defs.pdf

Wayne Marsh

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC SHOULD NOT CONSIDER

Comments: It seems this is a basic function of any and every state agency. At any given time there will be vacancies that need to be filled. Are these particular needs accurate as of this questionnaire. After all Does the legislature need to be involved in filling all vacancies throughout the state?

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & Education Professionals) 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”).

Response Selected: JLOSC should consider with modifications

Comments: I’m not sure of the need for such certifications. Are these certificates relevant to providing service? What are these certificates and are they required for employment in these positions? (“ACVREP” seems to be the desired certification since its focus is visual impairment.

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should not consider

Comments: What is the need for braille resources? What are braille resources? Who wants braille resources, most people I know don't even want braille. It is certainly not my preferred means of communication. It has its place but I think it is one of many tools to be used in concert.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with modifications

Comments: This sounds like a great Idea! Will this require a new position at DVI? Is the JLOSC going to support funding for a new position? Why doesn't the JLOSC support appropriating funds for this purpose? Many other states provide technology for their citizens.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: should consider with modifications,

Comments: RESNA doesn't seem to have much for visual impairment professionals. So perhaps a different organization. No matter what it is going to be an expense, where does that money come from?

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should consider with modifications

Comments: This sounds like a good idea in theory. What equipment should be purchased? How much should be purchased? Will this increase the equipment budget, and if so is the JLOSC SUPPORTING AN INCREASE OF FUNDING?

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: JLOSC should not consider

Comments: It is my belief that DVI is making every effort to fill their vacancies.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should not consider

Comments: I think GPS can be a useful tool, however I see it as technology. O&M should be teaching and strengthening these skills. Not everyone has or wants GPS. I think this is more a technology related issue.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should not consider

Comments: Hasn't this already been resolved by the education task force?

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

Response Selected: JLOSC should not consider

Comments: I am not sure why anyone would think there are no rules and regulations that govern BEP. We have the federal regulations, state regulations and policies that cover these issues. The ones that are applicable anyway. As for this recommendation the federal and state regulations and policies require active participation in all aspects of the BEP by the Blind Vendors Committee.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

Response Selected: JLOSC should not consider

Comments: DVI is welcome to make any recommendation to the BVC they would like.

I don't believe any government entity has the right to direct any such action. We Have bi-laws to follow for any changes to said bi-laws. Changes to the BVC committee bi-laws requires a vote of licensed blind operators. This is consistent with most committees isn't it?

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

Response Selected: JLOSC should not consider

Comments: Simply stated, we already do this.

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

Response Selected: JLOSC should not consider

Comments: We have instituted the appropriate changes.

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

Response Selected: JLOSC should not consider

Comments: We have a policy that covers this, Like everything else it requires active participation with the BVC..

Rec. 12 – BEP Public Outreach:

DVI shall:

a. Develop a BEP application.

b. Update the BEP section of its website to include:

- (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
- (2) Links for regulations, rules, policies, or by-laws affecting BEP.
- (3) Access to the BEP application.

Response Selected: JLOSC should not consider

Comments: I believe all this exists. It may not be on the internet though. As for applying to BEP you need to start by opening a case with VR.

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

Response Selected: JLOSC should not consider

Comments: We are coming off state payroll by the end of the year. There are a few reasons for this such as, DVI is out of compliance to it's federal partners. Simply stated it is not legal for DVI to pay our employees or be involved with our pay. Operators in Delaware should have gotten off state payroll a long time ago, like 30 years ago! As for pension, operators will have the choice to pay into the pension or use an IRA or whatever they would like. I am at a loss for why anyone would think prior operators would be affected. We the BVC would not do anything to damage previous operators..

Rec. 14 – Strengthen State's Licensing Authority under the Randolph-Sheppard Act: 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.

Response Selected: JLOSC should consider with modifications

Comments: We have been working on a new law that could increase opportunities for more blind people. The JLOSC should sponsor our new law, and work with the blind vendors to get this new law to the governor's desk for signature.

Rec. 15 – Strengthen Business Programs:

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.

Response Selected: JLOSC should consider with modifications

Comments: While tech is important, it is just part of the solution. The biggest obstacle to blind people is the perception of others, we are all too often underestimated. The state should make a concerted effort to employ folks who are blind. The state needs to be a leader in the employment of people with disabilities.

Meeting #4 – Education Tabled Recommendations Worksheet

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students who is blind with visual impairments including blindness, the Division for the Visually Impaired shall employ one (1) 1 teacher of students with visual impairments for every 28 14 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. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

Response Selected: JLOSC should consider with no modifications

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

Response Selected: JLOSC should consider with no modifications

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should consider with no modifications

Rec. 26 – Implementing Education Service Model:

Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services

are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should consider with no modifications

Comments: JLOSC will need to find a funding source.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider with no modifications

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider with no modifications

Additional Question:

Do you believe that education services should relocate to the Department of Education?

Why or why not?

Please provide comments supporting your answer.

I do not think education services should be relocated. I think DVI’s expertise is critical to students success. I think the blind students would get lost in the shuffle.

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

Response Selected: JLOSC should consider with no modifications

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Response Selected: JLOSC should consider with no modifications

Rec. 4 – Publish By-laws:

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.

Response Selected: JLOSC should consider with modifications

Comments: Why specifically ILAC AND BVC? Why not VRAC and GAC? If you were to post the bylaw's of one or two, then you should post them all.

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Response Selected: JLOSC should consider with no modifications

Comments: The GAC has been resistant to this. Some of the members think the charter/description of the council is equivalent to Bi laws. The charter is their mission. The bylaws describe how to run the council.

Kevin McAllister

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC should consider with modifications

Comments: DVI has worked, without successful outcomes, to fill these vacancies. In addition to the agency continuing to work to fill vacancies, DHSS should assist the agency to conduct benchmarking on salaries, loan forgiveness, continuing education, and other incentives which are used in surrounding states to ensure the highest level of competitiveness. Without some different and more creative mechanisms to address the situation, the vacancies will remain.

Additionally, there should be an independent consultant used to understand DVI's culture, leadership model. Work environment and other circumstances in an effort to gain knowledge on DVI's lackluster retention rate.

Lastly, DVI should be required to have a member of HR and a member of the advocate public at these interviews for vacancies to ensure compliance with laws and transparency in hiring. For example, as a member of the interview team for the DVI principal, it was very apparent that there was a conflict of interest in the hiring process. One of the interview panelist was the current supervisor of one of the interview candidates. The panelist did not recuse herself from interviewing or voting and should have only been an observer. Further to this, the original position was downgraded from principal to state wide education coordinator. This was not the original position or intent, but I am sure that HR rules were not followed and nepotism was very apparent.

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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").

Response Selected: JLOSC should consider with modifications

Comments: While this is a good start to understand the need for professional certifications of DVI staff, this should be all inclusive of the various functions within DVI. This should also include certifications for TVI and requirements surrounding education. Moreover, there should be a contractual obligation placed on individuals who are supported financially by the agency to obtain these certifications, in an effort to support retention and not allowing these individuals to obtain professional certifications and the associated support and then leave the organization.

And while it is an excellent effort to gain these certifications, there should also be an examination of performance standards and job descriptions. For example, if an assistive technology certification is gained but the individual does not see students to leverage this certification, then it is useless in supporting the consumer.

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should consider with modifications

Comments: This goal is neither specific nor measureable. Therefore, it is ineffective before any work is done. Moreover, with the advances in technology, there are many other ways to achieve the larger goal other than increasing braille certification and reading. There needs to be an examination as to what the end goal is prior to offering a solution. As written this is solution based and not a true understanding of the root cause nor the underlying issue.

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with modifications

Comments: DVI has epically failed in this area for at least a decade. While there have been various people assigned to this task, none have been qualified nor possessed the experience or training to write successful grants. There is still no qualified DVI staff person assigned to this task. Therefore, this action would be ineffective until the right person with clear performance standards and support is placed in this role.

But it is important to do this work in order for DVI to realize funding from alternate work streams to support consumers, as has been noted through feedback from town hall meetings and councils.

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: JLOSC should consider with modifications

Comments: This recommendation is also neither specific nor measureable. And while training and certifications are important, what is the expectation past obtaining such. Without tying this into performance standards and job expectations, coupled with engagement with consumers, recertification, financial support, and continuous improvement, expectations will continue to be unmet.

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should consider with modifications

Comments: There is not a DVI resource qualified to do this activity, as illustrated by the lack of coordination and corporate engagement. As with many grants, a 501(c) 3 is required and to my knowledge, DVI does not possess one. Therefore, DVI should partner with a fiscal intermediary such as BlindSight Delaware or the National Federation for the Blind to collaborate for these opportunities. Regardless, a trained and experienced DVI staff person who is well equipped for community engagement is required.

Rec. 23 – Recruitment (staff):

DVI shall:

- 391
- 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.
 - b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: JLOSC should consider with modifications

Comments: b. Explore offering paid internship programs to encourage students to pursue degrees and certifications in special education.

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should consider with modifications

Comments: Incorporating GPS technology into O&M is a myopic look at the breadth and depth required for a successful O&M program. The DVI O&M program should be evaluated and benchmarked against some of the leading programs in the nation such as Maryland School for the Blind and Perkins School for the Blind. In this way, DVI can incorporate industry best practices into their work and raise the bar on O&M and provide more comprehensive and relevant offerings.

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should consider with no modifications

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations:

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

Response Selected: JLOSC should consider with no modifications

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities:

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.

Response Selected: JLOSC should consider with modifications

Comments: DVI should be required to do the previously mentioned goals with specific and measureable performance standards and goals outlined to enhance this recommendation.

Rec. 10 – Implementation of BEP Audit Recommendations:

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].

Response Selected: JLOSC should consider with no modifications

Rec. 11 – BEP Set-Aside Requirements:

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

Response Selected: JLOSC should consider with modifications

Comments: DVI is in no position nor is it equipped to implement this recommendation in its current state. This is asking an agency to complete a task when the skill set and objectivity are not present.

Rec. 12 – BEP Public Outreach:

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

Response Selected: JLOSC should consider with no modifications

Rec. 13 – Remove BEP from State Payroll and Pension Systems:

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

Response Selected: JLOSC should not consider

Rec. 14 – Strengthen State’s Licensing Authority under the Randolph-Sheppard Act: 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.

Response Selected: JLOSC should consider with no modifications

Rec. 15 – Strengthen Business Programs:

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.

Response Selected: JLOSC should consider with modifications

Comments: This recommendation is myopic and in no way allows for any measureable or attainable success factors or way to measure completion or success. This seems to be composed by an entity which has no understanding of factors which would contribute to success, such as funding, legislation, or oversight. This recommendation as presented is setting the agency and consumers up for failure.

Meeting #4 – Education Tabled Recommendations Worksheet

Rec. 3 – Reduce Teacher Student Ratio:

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

Response Selected: JLOSC should consider with modifications

This is a part of the strategic plan and already in the recommendations from the previous task force. However, without funding, recruitment ability, and competitiveness and culture improvements, such vacancies will continue to plague this organization and students will go unserved as with the current state. DVI must employ those recommendations and incentive ideas documented in the previous task force.

****as a point of education, track changes are difficult for persons with visual impairment or blindness to interpret. The screen reader does not permit a way to understand or interpret this.**

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education:

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.

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.

Response Selected: JLOSC should consider with modifications

Comments: DVI shall work with the Governor's office to establish a teacher certification program aimed at increasing the number of certified teachers of the blind at one or more of the institutions of higher learning in Delaware.

Rec. 25 – Communication with DOE:

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should not consider

Comments: Since education should be ultimately taken away from DVI, there is no reason to place energy on this recommendation. Additionally, there is no need to place a protocol on something that should be happening already while DVI had education.

Rec. 26 – Implementing Education Service Model:

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model:

- Level 1 (up to 8 consults/year) @ \$1,900 per student
- Level 2 (1 meeting/week) @ \$4,500 per student
- Level 3 (2-3 meetings/week) @ \$12,600 per student
- Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should not consider

Comments: It is unclear who would pay for substandard services which DVI currently provides.

Rec. 27 – Braille Instruction for All Students:

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

Response Selected: JLOSC should consider with modifications

Comments: The recommendation should include that the IEP team as a unit, not one individual nor DVI solely, should determine whether a student does or does not receive Braille instruction.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development:
DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

Response Selected: JLOSC should not consider

Comments: DVI does not have the expertise nor the resources to complete this task. Therefore, there should be no consideration.

Additional Question:

Do you believe that education services should relocate to the Department of Education? Why or why not?

Please provide comments supporting your answer.

Absolutely! DVI is not nor has it ever been an agency properly equipped to implement proper educational services. DOE should have long ago taken this over to ensure that students in Delaware were properly educated. This has had long lasting effects on the high unemployment rate in this community and the inability to impact this trend over the decades. The current teachers are ill-equipped, have no professional performance standards, nor does the leadership understand how to be transformational to ensure teacher compliance and capability building with the agency. Education must leave DVI and hopefully DOE can turn the tide in this deplorable situation.

Meeting #5 – DVI Statutory Revisions, Advisory Councils, & Committees Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections:

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

Response Selected: JLOSC should consider with no modifications

Rec. 6 – Remove Reference to the Delaware Industries for the Blind ("DIB") from the Delaware Code and Administrative Code:

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Response Selected: JLOSC should consider with modifications

Comments: JLOSC should consider this only after a full investigation and audit has been completed by the comptroller's office on the fiduciary activities concerning the administration of, finances surrounding, and overall operation which led to the closure of DIB, including HR related hiring, firing, forced retirement, and worker displacement. If there are no internal resources available, JLOSC shall contract with a third-party auditor to complete this assessment.

Rec. 4 – Publish By-laws:

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.

Response Selected: JLOSC should consider with modifications

Comments: JLOSC should add to this provision that DVI shall complete this posting in all accessible formats for download on the website, in addition to DVI making copies available at the Biggs Building and at the next two (2) in person town hall meetings.

Rec. 5 – Council of the Blind By-law Requirement:

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Response Selected: JLOSC should consider with modifications

Comments: This recommendation is neither specific nor measureable. There should be a reasonable date requirement attached to this recommendation (i.e. by the end of the 2020 Federal fiscal year).

Mary Ann Mieczkowski

Meeting #2 – DVI Agency-Specific Worksheet

Rec. 16 – Fill Agency Vacancies:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 17 – Increase Staff Certifications:

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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").

Response Selected: JLOSC should consider with no modifications

Rec. 18 – Increase Braille Resources:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 19 – Funding and Grants for Assistive Technology:

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Response Selected: JLOSC should consider with no modifications

Rec. 20 – DVI Staff Training on Assistive Technology:

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Response Selected: JLOSC should consider with no modifications

Rec. 21 – Equip Rapid Ready Rooms:

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.

Response Selected: JLOSC should consider with no modifications

Rec. 23 – Recruitment (staff):

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Response Selected: JLOSC should consider with no modifications

Rec. 24 – Orientation and Mobility (O&M):

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Response Selected: JLOSC should consider with no modifications

Rec. 29 – Reporting Requirement Regarding Prior Task Force:

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.

Response Selected: JLOSC should consider with no modifications

Meeting #3 – Business Enterprise Program (BEP) Worksheet

Rec. 7 – Business Enterprise Program (BEP) Regulations: 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: a. Participant eligibility. b. Personnel management. c. Fiscal controls. d. Marketing plans. e. Enforcement of production quality standards as stated under § 7929, Title 29. f. Set-aside requirements and procedures for Blind Operators.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 8 – Removal Process for Members of the BEP, Blind Vendors Committee Board: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 9 – BEP, Blind Vendors Committee Training Opportunities: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 10 – Implementation of BEP Audit Recommendations: 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].

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 11 – BEP Set-Aside Requirements: DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 12 – BEP Public Outreach: DVI shall: a. Develop a BEP application. b. Update the BEP section of its website to include: (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act. (2) Links for regulations, rules, policies, or by-laws affecting BEP. (3) Access to the BEP application.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 13 – Remove BEP from State Payroll and Pension Systems: Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system. - OR - Option 2: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 14 – Strengthen State’s Licensing Authority under the Randolph-Sheppard Act: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 15 – Strengthen Business Programs: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Meeting #4 Education Tabled Recommendations Worksheet

Rec. 3 – Reduce Teacher Student Ratio: 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: (e) To meet the instructional needs of students who is blind with visual impairments including blindness, the Division for the Visually Impaired shall employ one (1) 1 teacher of students with visual impairments for every 28 14 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. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 22 – Encourage Teachers for the Visually Impaired (TVI) Education: 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. 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 25 – Communication with DOE: DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall: 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 the DOE and work to bring meaningful modifications to the agreement.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 26 – Implementing Education Service Model: Based on DVI’s suggestion, DVI shall implement a fee model to ensure education services are adequately funded. The following is a suggested model: Level 1 (up to 8 consults/year) @ \$1,900 per student Level 2 (1 meeting/week) @ \$4,500 per student Level 3 (2-3 meetings/week) @ \$12,600 per student Level 4 (4 meetings/week) @ \$14,300 per student

Response Selected: JLOSC should consider with modifications (supply modifications in the comment field).

Suggested modifications or comments: I am not sure how these figures were determined.

Rec. 27 – Braille Instruction for All Students: DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate. Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 28 – DVI Resources for Individualized Education Program (IEP) Development: DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP. Option: Codify this recommendation in DVI’s governing statute.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Additional Question: Do you believe that education services should relocate to the Department of Education? Why or why not? Please provide comments supporting your answer. If you need more room please email additional comments to:
Amanda.McAtee@delaware.gov

Prefer not to answer

Meeting #5 DVI Statutory Revisions, Advisory Councils Serving DVI Tabled Recommendations Worksheet

Rec. 2 – General Statutory Updates & Technical Corrections: JLOSC will sponsor a bill to do the following: 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. b. Add standardize member removal provision. c. Add language for resolving a tie when voting on the Council’s chair.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 6 – Remove Reference to the Delaware Industries for the Blind (“DIB”) from the Delaware Code and Administrative Code: DVI reported that operations for the DIB closed in March 2017. Based on DVI’s request: 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. b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 4 – Publish By-laws: 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.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

Rec. 5 – Council of the Blind By-law Requirement: DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Response Selected: JLOSC should consider without modifications, keep this recommendation as written.

APPENDIX C
INFORMATION
RECEIVED
FROM CONSULTANTS

From: [Lloyd Schmitz](#)
To: [McAtee, Amanda A \(LegHall\)](#); [Wagner, Holly \(LegHall\)](#)
Subject: Assistive technology needs in Kent county
Date: Thursday, November 7, 2019 6:52:08 PM

Currently Blind and Visually Impaired residents of Kent county have no assistive technology. All technology is either in New Castle or Sussex county.

Furthermore, ALL 4 offices of the DVI are located in areas that are not accessible to residents that travel on the public bus! Everyone that wishes to train or learn independently on assistive technology must get a ride or rely on the overburdened para transit service that costs between \$8.00 and \$12.00 for a round trip within the county. If traveling in 2 counties to go to the DVI office the cost doubles!

Did you know:

That the Georgetown office of the DVI is located on the grounds of the Stokely center where there are no busses, shoulders, or sidewalks for anyone!

The Kent county office is located on the grounds of the Smyrna home & hospital. The fixed route bus travels along the DuPont highway... this means that blind residents of Kent county must cross the highway either coming or going... and there are no sidewalks or shoulders along the road for safe passage to the DVI office!

The New Castle county office of the DVI is located in the rear of the DHSS Herman Holloway campus where one must cross a parking lot, then go through grass to a sidewalk, and then cross a small street, into another parking lot, and then finally to a sidewalk that leads to the door of the Biggs building. Once entering the building, one must find the telephone on the wall and call for someone to open the door to DVI's offices!

The Milford office on Walnut street is not near an accessible crossing, so you cannot get to the bus stop or the DVI office!

It is time for the DVI to meet the needs of the blind and not the blind meeting the convenience of the agency!

Lloyd Schmitz

"Subtlety may deceive you;
integrity never will." -Oliver
Goldsmith

Lloyd Schmitz
address redacted

re: DVI/BEP program

October 8, 20019

To members of the Joint Legislative Oversight & Sunset Committee:

The Division for the Visually Impaired (DVI) is the agency responsible to administer the Randolph-Sheppard Business Enterprise Program in Delaware.

Program Description

The Vending Facility program authorized by the Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. The program, enacted into law in 1936, was intended to enhance employment opportunities for trained, licensed blind persons to operate facilities. The law was subsequently amended in 1954 and again in 1974 to ultimately ensure individuals who are blind a priority in the operation of vending facilities, which included cafeterias, snack bars, and automatic vending machines, that are on federal property. The program priority has broadened in most states through state laws to include state, county, municipal, and private locations as well. Under the Randolph Sheppard program, state licensing agencies recruit, train, license, and place individuals who are blind as operators of vending facilities located on federal and other properties. The act authorizes a blind individual licensed by the state licensing agency to conduct specified activities in vending facilities through permits or contracts.

Additional Information

This program was developed following the enactment of the Randolph-Sheppard Act of 1936, 20 USC 107 et. seq., as amended in 1954 and 1974. The 1936 act was enacted to provide blind persons with remunerative employment, enlarge their economic opportunities, and encourage their self-support through the operation of vending facilities in federal buildings. The U.S. Department of Education prescribes regulations, as set forth in 34 CFR, Part 395, implementing the Act as amended (See 41 CFR 101-20.2). Randolph-Sheppard vending facilities can be established in leased space and under Cooperative Use Space in General Services Administration (GSA) locations.

Under the Randolph-Sheppard Program, state rehabilitation agencies recruit, train, license and place individuals who are blind as operators of vending facilities located on federal and other properties.

When a location is not assigned to a blind operator it is an unassigned location and is under the control of the DVI who is responsible for the day to day operation of the location.

Did you know that the DVI operated a cafeteria at the DTCC Terry campus for over a year in Dover where the agency lost \$2,500.00 every week for a period of 6 months and then vacated the location. The BEP program lost over \$200,000 from program funds to cover the losses since the location was not assigned to a blind operator.

Did you know that the DVI operated a gift shop at the rest stop in Smyrna and lost money every month for over 3 years. These losses were paid from program funds to cover the losses since it was not assigned to a blind operator.

Page 2

Did you know that a program audit was conducted in 2018 and the audit was not permitted to determine how or where \$154,000 of program funds that were not accounted for went.

Did you know that required annual audits do not occur annually and that recommendations of the 2018 audit have not been followed!

Did you know that not all program financial information is included in the financial reports of the program.

Did you know that no new blind licensed operators have entered the BEP for over 8 years and that there are no opportunities for any blind Delawareans to enter the program.

Did you know that every vending and cafeteria location wheter it is assigned or unassigned to a blind operator in the BEP program is out sourced to private contractors that do not employ any person with a visual impairment or disability

Did you know that all of the blind operators do not fill or order any vending machine inventory, prepare or order food, or employ any employees for the daily needs of their assigned locations.

Did you know that the blind operators only provide monthly income and expense statements along with supportive documents to the DVI to include into the program financial reports.

Do you think that the DVI should have oversight of the fiscal office program financial reports or should the accounting services be located outside and away from DVI.

Do you think that the administration of the BEP program should be removed from the DVI and assigned to another agency or nominee.

Do you think that the spirit of the set aside of vending and food service in state office buildings is accomplished currently.

Do you think that the DVI should obey policies that have determined set aside obligations for blind operators and all state and federal laws.

And finally, do you think that the Delaware code should be changed at this time to expand opportunities for the BEP without adequate program oversight, significant demonstrated improvement, approved state rules and regulations, BVC bylaws, policies, and an adequate training program to train qualified blind operators that will grow the program for future blind Delawareans.

Thank you for considering the above items to improve opportunities for blind and visually impaired Delawareans.

At your service,
Lloyd Schmitz

From: [Lloyd Schmitz](#)
To: [Wagner, Holly \(LegHall\)](#); [McAtee, Amanda A \(LegHall\)](#)
Subject: Education of blind and visually impaired students
Date: Thursday, November 7, 2019 6:29:16 PM

I would like to recommend Moving the educational part of visually impaired to Department of Services for Children, Youth and Their Families.

Lloyd schmitz

"Subtlety may deceive you;
integrity never will." -Oliver
Goldsmith

HOW STATE AT PROGRAMS CAN HELP YOU



Assistive technology (AT) is any product, device, equipment, or system that allows individuals with disabilities to carry out their tasks with greater ease and independence. For example, you may use a wheelchair if you have a mobility disability; a screen reader if you are blind or visually impaired; a captioning system if you are deaf or hard of hearing; an augmentative and alternative communication device if you have a speech disability; or a weighted blanket if you have a sensory processing disorder. These are all examples of AT devices you may use to assist you in performing your daily activities.

Many AT devices are essential. Some can be costly. Knowing which one to use can be puzzling. How can you pay for your AT devices if you need financial assistance? How do you know which AT device best fits your needs? Your state's AT Program can assist you.

This guide will explain what State AT Programs are, who they serve, the kinds of programs and services they provide, and how they can assist you in obtaining the AT device you need to carry out your daily activities with greater ease, efficiency, and independence. But before we jump into the details of State AT Programs, let's review the purpose of the Assistive Technology Act.

What is the Assistive Technology Act?

The [Assistive Technology Act](#) supports programs that provide grants to states for addressing the AT needs of individuals with disabilities. The goal of the Act is to increase awareness of and access to AT devices and services that may help you with education, employment, daily activities, and inclusion in your community.

The Act defines AT as “technology designed to be utilized in an AT device or AT service.” An AT device refers to “any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.” And, an AT service refers to “any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.”

What are State AT Programs?

[State AT Programs](#) support state efforts to implement the AT Act. In other words, the programs make AT devices and services more available and accessible to individuals with disabilities and their families.

State AT Programs [serve all individuals](#) of any age and with any type of disability, functional limitation, or chronic health condition. Programs also provide services to other individuals, organizations, agencies, and providers who support these individuals. For example, a friend or family member or other entity may access services on behalf of an individual who may benefit from AT.

Now that we have covered what State AT Programs are and who they serve, let’s explore the kinds of services these programs provide and how they can help you acquire the AT products you need.

What Services Do State AT Programs Provide You?

Among their many activities, State AT Programs provide you with the following core services. These can help you access information about and acquire AT devices.

[Device Demonstration Programs](#) provide you with a guided experience with various AT devices with the assistance of someone who has technical expertise related to the devices. The purpose is to give you the opportunity to understand and compare the features and benefits of an AT device or category of devices so that you can make an informed decision as to whether it will be helpful for you to use.

[Device Loan Programs](#) allow you to borrow AT devices for a limited time. You may be interested in using a loaner device so you can get hands-on experience in using a device before you buy it, or if you need a loaner device while yours is being repaired, or if you need a device for a short-term activity (e.g., for use in a class, during a training, etc.)

[State Financing Programs](#) assist you in purchasing/acquiring AT through financial loans or other initiatives so you can save money on the AT you need or get it at no cost.

[Device Reutilization Programs](#) allow you and other users of AT to exchange devices with one another. These programs also allow for you or others to donate your unused AT so that other users can have or loan them.

[Training](#) enables you to build your knowledge, skills, and competencies regarding AT. Examples of trainings include classes, workshops, conference sessions, and presentations about topics such as specific AT products/services; AT funding, policies, and practices; web/software accessibility; or transitioning (i.e., training on AT for successful transitions to postsecondary education.)

[For More Information](#)

The [AT3 Center](#) is a sponsored project of the Association of Assistive Technology Act Programs, operated under grant from the Administration for Community Living in the U.S. Department of Health and Human Services. The [mission](#) of the AT3 Center is to increase access to and acquisition of AT by individuals with disabilities across the lifespan, while their [purpose](#) is to provide training and technical assistance for all AT Act Section 4 State and Territory AT Programs to support quality implementation of state-level and state leadership activities and to support a national AT internet site that makes general AT information available to the public and other stakeholders.

To find your state's AT Program, please visit [AT3 Center's Program Directory](#). For more information, be sure to also [visit AbleData](#) to explore different types of AT devices that are available on the market.

[References](#)

- National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *About AT3 Center*. Retrieved from <https://www.at3center.net/repository/aboutat3center>
- National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *AT Act information*. Retrieved from <https://www.at3center.net/repository/atactinformation>
- National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *Device demonstration*. Retrieved from <https://www.at3center.net/repository/devicedemonstration>
- National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *Device lending*. Retrieved from <https://www.at3center.net/repository/deviceloan>
- National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *Device reutilization*. Retrieved from <https://www.at3center.net/repository/devicereuse>

National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *Our work*. Retrieved from <https://www.at3center.net/repository/ourwork>

National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *State financing*. Retrieved from <https://www.at3center.net/repository/statefinancing>

National Assistive Technology Act Technical Assistance and Training Center. (n.d.). *Training*. Retrieved from <https://www.at3center.net/repository/training>

U.S. Department of Health and Human Services, Administration for Community Living. (2019). *Assistive technology*. Retrieved from <https://acl.gov/programs/assistive-technology/assistive-technology>

U.S. Department of Health and Human Services, Administration for Community Living. (2019). *Authorizing statutes*. Retrieved from <https://acl.gov/about-acl/authorizing-statutes>



The contents of this publication were developed under a contract from the National Institute on Disability, Independent Living, and Rehabilitation Research (Contract No. GS00F0083N, Order No. HHSP233201800215G). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this publication do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

Address: AbleData, 103 W Broad Street, Suite 400, Falls Church, Virginia 22046
Telephone: 800-227-0216 (Se habla español.)
TTY: 703-992-8313
Fax: 703-356-8314

All AbleData publications, the AbleData database of assistive technology, and other AbleData resources are available on the AbleData website, <https://abledata.acl.gov>. Copyright 2019, New Editions Consulting, Inc.

Information received from Jerry G. Petroff Ph.D. regarding alternative funding options for educational services from DVI.

Dear Amanda,

I would be happy to assist in the identification and development of alternative funding options for educational services from DVI. DVI, like many other state agencies for services to infants and children who are visually impaired, was initiated many years ago, most likely prior to the enactment of IDEA.

The model requires that State funds are allocated for children that were identified as blind or visually impaired - the fact is that "shift happens" and the 21st century has different and more legally-bound special education demands. There are more students that are identified as blind or visually impaired, modern medicine has influenced the mortality of premature infants, and those children with additional disabilities are recognized as needing specialized services.

To further compound the challenge is progress made in strategies, technology, etc.; and the recognition that districts are responsible for ALL their students including those that require very specialized approaches and understanding. Lastly, there is an extreme shortage of teachers of the blind & visually impaired (which I know you have probably heard).

Therefore, in my opinion, additional alternate funding systems must be put in place - remember, at this time, local districts use their federal, state and local funds to appropriately service their students with disabilities EXCEPT for those who are blind or visually impaired - DVI does that by their state allocations and some IDEA funding that is granted by the DE DOE. It may be time to ask districts to pay their fair share, however, this is not as easy as it sounds. A system can be designed, HOWEVER, here are the cautions:

- 1) The legislators as well as the Executive Branch leaders (Secretaries) should NOT be given the opportunity to shift all funding to the local school districts because specialized low incidence disabilities take more resources and more specialized resources;
- 2) The tendency to the Department of Education (use of IDEA funds) and the Department of Health & Human Services (DVI's Department) at odds with each other due to constituent pressure MUST BE AVOIDED.;
- 3) There must be a logical contractual agreement with each district regarding procedures that lead to determination of services (yes, the IEP team is the vehicle but the reality is that if not explicit in procedures the disagreement between parents, districts and DVI can be very damaging to all parties).

Forgive any spelling errors, I am in the midst of a deadline for a book I am writing and just saw your email, so I wanted to send a quick response. If you would like a conversation, I would be more than happy to oblige and provide whatever you need. I have an allegiance to the Great State of Delaware and have worked as a consultant for over 2 decades so if I can help just give a shout.

Respectfully yours,
Jerry

Jerry G. Petroff Ph.D. biography from the College of New Jersey

Scholarly Interests: Supporting individuals who are deaf:blind; transition to post:secondary life for students with severe disabilities; early communication and family life of students with complex sensory disabilities

Courses Taught: SPE 324: Educating Students with Severe Disabilities; EDUC 513: Collaboration, Consultation & Partnerships; EDUC 614: Creating & Sustaining Classroom Communities; SPED 664: Research Trends in Special Education; First:Year Seminar: Disabilities Unplugged.

Achievements: Coauthor (with A. Dell & D. Newton), *Assistive Technology in the Classroom: Enhancing the School Experiences of Students with Disabilities – 2ndEdition* (2012), Pearson. Director, Center on Complex Sensory Disabilities; Principal Investigator, NJ Consortium on Deaf Blindness, funded by the U.S. Department of Education; Co:Principal Investigator, Transition and Post:Secondary Programs for Students with Intellectual Disabilities, a five year grant funded by the U.S. Department of Education and Peers to Careers Project, funded by the NJ Division of Vocational Rehabilitation

Scholarship:

PI, NJCDB at The College of New Jersey, U.S. Department of Education, Office of Special Education Programs 2003-present; Program Advisory Committee/Consultant New Jersey Coalition of Inclusive Education, Inc. (NJCIE) 2005-present; Principal Investigator: Virtual Classroom for Teachers and Parent of Children who are Deafblind (2011)

Invited Co-Author (2013) 38th IRI Technical Assistance Document: Serving Traditionally Underserved Populations, United States Department of Education, Vocational Rehabilitation.

Petroff, J.G. (July 3, 2011). *Listening to the Voices of your Children*. National Parents of Blind Children Organization at the National Federal for the Blind Annual Conference, Orlando, FL..

Petroff, J.G. (June 25, 2011). IsoDicentric 15 IDEAS International Conference. Advocating for Your Child. Philadelphia, PA

Petroff, J. G. (2010). A national transition follow-up study of youth with deaf-blindness: Revisited. *AER Journal Research and Practice in Visual Impairment and Blindness*, 3, 132-138.

Degrees: Ph.D. Temple University, Psychological Studies in Special Education, M.A. & B.A., The College of New Jersey

Received from Karen E. Blankenship, Ph.D.

Delaware QPVI

Delaware has been participating in the program improvement process entitled Quality Programs for Students with Visual Impairments (QPVI). QPVI was developed to address a lack of standards of practice in the field of visual impairments.

QPVI has two phases (self-study & capacity building) and seven key components:

- Master list- data collection and procedures to evaluate service and program.
- Eligibility and essential assessments.
- ECC instruction/evaluation.
- Roles & responsibilities.
- Type & amount of services.
- Workload analysis.
- Self-study report.

At the beginning of QPVI Delaware did not have enough staff and we just conducted technical assistance until enough staff were hired.

We have finished the eligibility and essential assessment component and had begun the ECC instruction/evaluation. Throughout each component the team has established standards of practice and use peer critiques to improve their practice. The team has worked diligently on the process.

Karen E. Blankenship, Ph.D. Biography from Perkins School for the Blind:

Karen E. Blankenship is an Assistant Professor of the Practice, Dept. of Special Education, Peabody College, Vanderbilt University. She has been a certified teacher of students who are blind or visually impaired (TVI) since 1976. She received both her undergraduate and doctoral degree from Peabody College of Vanderbilt University. She has served as the National Agenda professional co-chair. She has also served as the AER state president in both Iowa and Tennessee.

In addition, she has been chair of both the itinerant and the educational curriculum divisions of AER. She is a guest reviewer for the Journal of Visual Impairment and Blindness as well as other journals in the field of special education. She is currently an international facilitator of Quality Programs for Students with Visual Impairments (QPVI). Her line of research and passion is centered around assessment and the expanded core curriculum (ECC).

Public Comment from Consultant William McCafferty

**Guiding
Eyes**
for the Blind

**Headquarters
and Training Center**
611 Granite Springs Road
Yorktown Heights, NY 10598
T: 914-245-4024
F: 914-245-1609
GuidingEyes.org

**Canine
Development**
361 Route 16
Patterson, NY
T: 845-878-3333
F: 845-878-3740

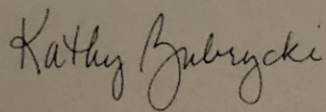
September 6, 2019

Mr. William McCafferty

Dear William,

As per our conversation on 7/29/19, the reason you were denied a successor dog from Guiding Eyes for the Blind is that during the home interview, you could not demonstrate the independent travel skills necessary to be a successful guide dog handler.

Regards,



Kathy Zubrycki
Vice President of Training Programs

APPENDIX D

ADDITIONAL

RESEARCH MATERIALS

U.S. Census Bureau Estimate
American Community Survey Single-Year Data 2014-2017

417

Population Totals of Reported Vision Difficulties*

Geography	2017	2016	2015	2014
United States	7,555,551	7,669,137	7,333,805	7,346,293
Alabama	148,261	151,924	148,940	139,756
Alaska	19,008	15,873	15,372	13,940
Arizona	168,593	173,173	163,987	162,541
Arkansas	104,996	101,792	98,774	96,188
California	786,065	799,748	768,267	768,602
Colorado	109,452	110,334	103,511	101,965
Connecticut	63,809	61,895	60,423	60,968
Delaware	18,890	19,290	20,350	19,938
District of Columbia	27,557	15,754	17,786	18,187
Florida	540,287	543,551	489,702	470,141
Georgia	252,343	269,766	259,790	257,990
Hawaii	26,597	24,491	21,952	24,142
Idaho	44,912	41,772	37,338	36,159
Illinois	257,193	254,419	238,692	257,236
Indiana	167,564	160,135	156,891	166,034
Iowa	50,981	57,579	57,891	51,659
Kansas	67,804	64,958	63,189	65,161
Kentucky	155,832	154,391	141,680	145,505
Louisiana	151,303	156,876	138,025	132,185
Maine	29,491	29,992	27,417	32,544
Maryland	108,811	112,141	110,457	112,979
Massachusetts	127,723	128,020	127,514	132,081
Michigan	221,301	227,082	215,690	228,827
Minnesota	92,797	86,049	84,130	83,536
Mississippi	112,398	97,345	95,627	99,437
Missouri	154,886	154,173	152,228	155,304
Montana	22,504	21,852	21,845	21,887
Nebraska	40,932	37,679	38,339	35,775
Nevada	81,781	101,233	108,054	85,941
New Hampshire	25,366	26,410	24,843	22,718
New Jersey	165,293	168,808	161,587	178,144
New Mexico	70,090	67,313	65,608	68,621
New York	410,018	422,738	394,187	416,123
North Carolina	257,141	282,495	270,685	252,522
North Dakota	13,954	15,206	12,083	12,226
Ohio	269,430	280,043	272,503	271,610
Oklahoma	134,419	134,679	128,037	130,387
Oregon	90,963	102,323	100,070	103,112
Pennsylvania	293,273	298,935	298,382	278,497
Rhode Island	20,708	23,069	18,826	25,809
South Carolina	147,917	153,203	140,633	142,241
South Dakota	16,165	16,699	14,977	17,779
Tennessee	202,916	200,047	203,368	198,027
Texas	684,739	698,115	669,879	662,002
Utah	51,975	54,042	50,941	50,206
Vermont	11,810	13,629	14,530	14,284
Virginia	190,317	177,319	164,694	166,272
Washington	156,569	162,762	158,996	158,550
West Virginia	77,913	73,829	70,659	80,545
Wisconsin	98,467	110,007	100,456	103,991
Wyoming	12,037	14,179	14,000	16,019
Puerto Rico	217,793	215,368	208,135	219,231

*Definition and scope: The term vision difficulty refers to individuals who reported they have serious difficulty seeing even when wearing glasses or contact lenses, as well as those who are blind or unable to see at all.

U.S. Census Bureau Estimate
American Community Survey Single-Year Data 2014-2017

States with the Lowest Populations of Reported Vision Difficulties*

Rank	State	2017 Population Total
1	Vermont	11,810
2	Wyoming	12,037
3	North Dakota	13,954
4	South Dakota	16,165
5	Delaware	18,890
6	Alaska	19,008
7	Rhode Island	20,708
8	Montana	22,504
9	New Hampshire	25,366
10	Hawaii	26,597

Rank	State	2016 Population Total
1	Vermont	13,629
2	Wyoming	14,179
3	North Dakota	15,206
4	District of Columbia	15,754
5	Alaska	15,873
6	South Dakota	16,699
7	Delaware	19,290
8	Montana	21,852
9	Rhode Island	23,069
10	Hawaii	24,491

Rank	Geography	2015 Population Total
1	North Dakota	12,083
2	Wyoming	14,000
3	Vermont	14,530
4	South Dakota	14,977
5	Alaska	15,372
6	District of Columbia	17,786
7	Rhode Island	18,826
8	Delaware	20,350
9	Montana	21,845
10	Hawaii	21,952

Rank	State	2014 Population Total
1	North Dakota	12,226
2	Alaska	13,940
3	Vermont	14,284
4	Wyoming	16,019
5	South Dakota	17,779
6	District of Columbia	18,187
7	Delaware	19,938
8	Montana	21,887
9	New Hampshire	22,718
10	Hawaii	24,142

*Definition and scope:

The term vision difficulty refers to individuals who reported they have serious difficulty seeing even when wearing glasses or contact lenses, as well as those who are blind or unable to see at all.

Table Identifier O35A8A1:O34A1:O39A1:O43A8A1:O34A1:O4A1:D73 bchildcountandedenvironment_2
 School Year 2017-18
 Collection Part B Child Count and Educational Environments
 Developed 11/1/2018
 Revised N/A

Number of children ages 3 through 5 served under IDEA, Part B, by disability and state: 2017-18¹
 States and territories listed in alphabetical order

State	All disabilities ²	Deaf-blindness	Visual impairments
Alabama	7,827	3	46
Alaska	2,430	1	9
American Samoa	37	0	0
Arizona	16,517	15	99
Arkansas	13,716	0	17
Bureau of Indian Education	250	0	0
California	83,853	12	295
Colorado	14,293	6	49
Connecticut	9,120	0	21
Delaware	2,616	13	12
District of Columbia	1,789	0	1
Federated States of Micronesia	116	0	8
Florida	39,862	13	109
Georgia	18,833	7	55
Guam	167	0	0
Hawaii	2,469	0	10
Idaho	3,733	1	9
Illinois	37,137	2	96
Indiana	18,644	5	60
Iowa	6,976	0	7
Kansas	11,772	1	13
Kentucky	18,070	2	85
Louisiana	9,885	-	34
Maine	3,384	1	5
Maryland	14,300	0	30
Massachusetts	18,022	31	75
Michigan	21,624	1	62
Minnesota	*	*	*
Mississippi	8,400	1	30
Missouri	18,400	2	51
Montana	1,660	0	7
Nebraska	6,217	0	22
Nevada	8,984	1	16
New Hampshire	3,519	2	19
New Jersey	19,846	2	16
New Mexico	4,413	3	30
New York	71,893	1	83
North Carolina	19,899	2	64
North Dakota	2,189	0	8
Northern Marianas	116	0	1
Ohio	25,247	7	80
Oklahoma	9,751	0	45
Oregon	11,331	9	70
Pennsylvania	36,340	5	157
Puerto Rico	12,391	0	7
Republic of Palau	3	0	1
Republic of the Marshall Islands	25	0	1
Rhode Island	3,168	0	3
South Carolina	9,568	3	49
South Dakota	2,941	0	7
Tennessee	13,950	0	34
Texas	49,681	24	421
Utah	10,731	6	35
Vermont	2,005	0	1
Virgin Islands	126	0	1
Virginia	18,296	2	55
Washington	16,425	1	47
West Virginia	5,219	2	55
Wisconsin	*	*	*
Wyoming	3,419	0	5
US, Outlying Areas, and Freely Associated States	773,595	187	2,628

Source: U.S. Department of Education, ED²Facts Data Warehouse (EDW); "IDEA Part B Child Count and Educational Environments Collection," 2017-18. Data extracted as of July 11, 2018 from file specifications 002 and 089.

Note: Additional collection information and data available at <http://www2.ed.gov/programs/osepidea/618-data/index.html>

¹Note: These data are a snapshot count collected by states in the fall of the identified school year.

²The total may not equal the sum of the parts due to cell suppression.

³Developmental delay is applicable only to children ages 3 through 9.

- Data not available
- x Data suppressed due to small cell size
- * Data flagged due to questionable data quality

Table Identifier	bchildcountandedenvironment_3
School Year	2017-18
Collection	Part B Child Count and Educational Environments
Developed	11/1/2018
Revised	N/A

Number of students ages 6 through 21 served under IDEA, Part B, by disability and state: 2017-18¹

States and territories listed in alphabetical order

State	All disabilities ²	Deaf-blindness	Visual impairments
Alabama	82,492	13	482
Alaska	16,718	4	40
American Samoa	599	0	10
Arizona	124,185	118	504
Arkansas	59,119	5	228
Bureau of Indian Education	6,035	1	11
California	683,709	83	2,982
Colorado	87,947	23	284
Connecticut	70,638	11	117
Delaware	20,580	47	66
District of Columbia	11,610	1	22
Federated States of Micronesia	1,735	0	67
Florida	349,764	84	1,243
Georgia	195,434	26	712
Guam	1,848	1	17
Hawaii	16,807	4	37
Idaho	29,175	3	79
Illinois	257,929	26	945
Indiana	157,460	25	908
Iowa	58,959	0	76
Kansas	61,957	17	205
Kentucky	86,200	10	497
Louisiana	74,588	5	499
Maine	*	*	*
Maryland	94,191	10	275
Massachusetts	155,740	126	574
Michigan	177,127	22	710
Minnesota	118,800	89	428
Mississippi	60,797	7	321
Missouri	112,714	26	434
Montana	17,143	6	52
Nebraska	44,198	11	205
Nevada	51,139	6	126
New Hampshire	25,714	7	107
New Jersey	218,332	24	381
New Mexico	48,425	7	184
New York	450,328	12	1,226
North Carolina	181,006	30	579
North Dakota	12,964	2	44
Northern Marianas	840	1	3
Ohio	241,423	61	861
Oklahoma	102,329	20	577
Oregon	75,825	12	282
Pennsylvania	284,477	59	1,054
Puerto Rico	93,436	13	401
Republic of Palau	71	0	2
Republic of the Marshall Islands	581	1	16
Rhode Island	20,580	3	57
South Carolina	95,130	12	390
South Dakota	18,249	4	44
Tennessee	115,369	14	546
Texas	448,907	137	3,024
Utah	73,465	21	196
Vermont	*	*	*
Virgin Islands	979	0	3
Virginia	154,074	22	591
Washington	127,073	15	394
West Virginia	41,591	19	265
Wisconsin	*	*	*
Wyoming	12,132	0	45
US, Outlying Areas, and Freely Associated States	6,130,637	1,306	24,428

Source: U.S. Department of Education, ED²Facts Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2017-18. Data extracted as of July 11, 2018 from file specifications 002 and 089.

Note: Additional collection information and data available at <http://www2.ed.gov/programs/osepidea/618-data/index.html>

¹Note: These data are a snapshot count collected by states in the fall of the identified school year.

²The total may not equal the sum of the parts due to cell suppression.

³Developmental delay is applicable only to children ages 3 through 9.

- Data not available
x Data suppressed due to small cell size
* Data flagged due to questionable data quality

Table Identifier	bchildcountandedenvironment_2
School Year	2017-18
Collection	Part B Child Count and Educational Environments
Developed	11/1/2018
Revised	N/A

Number of children ages 3 through 5 served under IDEA, Part B, by disability and state: 2017-18¹

Data arranged from least to most served.

State	All disabilities ²	Deaf-blindness	Visual impairments
American Samoa	37	0	0
Bureau of Indian Education	250	0	0
Guam	167	0	0
District of Columbia	1,789	0	1
Northern Marianas	116	0	1
Republic of Palau	3	0	1
Republic of the Marshall Islands	25	0	1
Vermont	2,005	0	1
Virgin Islands	126	0	1
Rhode Island	3,168	0	3
Maine	3,384	1	5
Wyoming	3,419	0	5
Iowa	6,976	0	7
Montana	1,660	0	7
Puerto Rico	12,391	0	7
South Dakota	2,941	0	7
Federated States of Micronesia	116	0	8
North Dakota	2,189	0	8
Alaska	2,430	1	9
Idaho	3,733	1	9
Hawaii	2,469	0	10
Delaware	2,616	13	12
Kansas	11,772	1	13
Nevada	8,984	1	16
New Jersey	19,846	2	16
Arkansas	13,716	0	17
New Hampshire	3,519	2	19
Connecticut	9,120	0	21
Nebraska	6,217	0	22
Maryland	14,300	0	30
Mississippi	8,400	1	30
New Mexico	4,413	3	30
Louisiana	9,885	-	34
Tennessee	13,950	0	34
Utah	10,731	6	35
Oklahoma	9,751	0	45
Alabama	7,827	3	46
Washington	16,425	1	47
Colorado	14,293	6	49
South Carolina	9,568	3	49
Missouri	18,400	2	51
Georgia	18,833	7	55
Virginia	18,296	2	55
West Virginia	5,219	2	55
Indiana	18,644	5	60
Michigan	21,624	1	62
North Carolina	19,899	2	64
Oregon	11,331	9	70
Massachusetts	18,022	31	75
Ohio	25,247	7	80
New York	71,893	1	83
Kentucky	18,070	2	85
Illinois	37,137	2	96
Arizona	16,517	15	99
Florida	39,862	13	109
Pennsylvania	36,340	5	157
California	83,853	12	295
Texas	49,681	24	421
US, Outlying Areas, and Freely Associated States	773,595	187	2,628
Minnesota	*	*	*
Wisconsin	*	*	*

Source: U.S. Department of Education, ED*Facts* Data Warehouse (EDW); "IDEA Part B Child Count and Educational Environments Collection," 2017-18. Data extracted as of July 11, 2018 from file specifications 002 and 089.

Note: Additional collection information and data available at <http://www2.ed.gov/programs/osepidea/618-data/index.html>

¹Note: These data are a snapshot count collected by states in the fall of the identified school year.

²The total may not equal the sum of the parts due to cell suppression.

³Developmental delay is applicable only to children ages 3 through 9.

- Data not available
- x Data suppressed due to small cell size
- * Data flagged due to questionable data quality

Table Identifier
School Year
Collection
Developed
Revised

bchildcountandedenvironment_3
2017-18
Part B Child Count and Educational Environments
11/1/2018
N/A

Number of students ages 6 through 21 served under IDEA, Part B, by disability and state: 2017-18¹

Data arranged from least to most served.

State	All disabilities ²	Deaf-blindness	Visual impairments
Republic of Palau	71	0	2
Northern Marianas	840	1	3
Virgin Islands	979	0	3
American Samoa	599	0	10
Bureau of Indian Education	6,035	1	11
Republic of the Marshall Islands	581	1	16
Guam	1,848	1	17
District of Columbia	11,610	1	22
Hawaii	16,807	4	37
Alaska	16,718	4	40
North Dakota	12,964	2	44
South Dakota	18,249	4	44
Wyoming	12,132	0	45
Montana	17,143	6	52
Rhode Island	20,580	3	57
Delaware	20,580	47	66
Federated States of Micronesia	1,735	0	67
Iowa	58,959	0	76
Idaho	29,175	3	79
New Hampshire	25,714	7	107
Connecticut	70,638	11	117
Nevada	51,139	6	126
New Mexico	48,425	7	184
Utah	73,465	21	196
Kansas	61,957	17	205
Nebraska	44,198	11	205
Arkansas	59,119	5	228
West Virginia	41,591	19	265
Maryland	94,191	10	275
Oregon	75,825	12	282
Colorado	87,947	23	284
Mississippi	60,797	7	321
New Jersey	218,332	24	381
South Carolina	95,130	12	390
Washington	127,073	15	394
Puerto Rico	93,436	13	401
Minnesota	118,800	89	428
Missouri	112,714	26	434
Alabama	82,492	13	482
Kentucky	86,200	10	497
Louisiana	74,588	5	499
Arizona	124,185	118	504
Tennessee	115,369	14	546
Massachusetts	155,740	126	574
Oklahoma	102,329	20	577
North Carolina	181,006	30	579
Virginia	154,074	22	591
Michigan	177,127	22	710
Georgia	195,434	26	712
Ohio	241,423	61	861
Indiana	157,460	25	908
Illinois	257,929	26	945
Pennsylvania	284,477	59	1,054
New York	450,328	12	1,226
Florida	349,764	84	1,243
California	683,709	83	2,982
Texas	448,907	137	3,024
US, Outlying Areas, and Freely Associated States	6,130,637	1,306	24,428
Maine	*	*	*
Vermont	*	*	*
Wisconsin	*	*	*

Source: U.S. Department of Education, EDData Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2017-18. Data extracted as of July 11, 2018 from file specifications 002 and 089.

Note: Additional collection information and data available at <http://www2.ed.gov/programs/osepidea/618-data/index.html>

¹Note: These data are a snapshot count collected by states in the fall of the identified school year.

²The total may not equal the sum of the parts due to cell suppression.

³Developmental delay is applicable only to children ages 3 through 9.

- Data not available

x Data suppressed due to small cell size

* Data flagged due to questionable data quality

Part B Child Count by Disability and State - School Year 2017-18				
	All disabilities²	Deaf-blindness	Hearing impairments	Visual impairments
State, Number, and Age of students served under IDEA, Part B				
Delaware - Number of children ages 3 through 5	2,616	13	33	12
Delaware - Number of students ages 6 through 21	20,580	47	201	66
U.S., Outlying Areas, and Freely Associated States - Number of children ages 3 through 5	773,595	187	8,525	2,628
U.S., Outlying Areas, and Freely Associated States - Number of students ages 6 through 21	6,130,637	1,306	64,812	24,428
<p>Source: U.S. Department of Education, ED^{Facts} Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2017-18. Data extracted as of July 11, 2018 from file specifications 002 and 089.</p> <p>Note: Additional collection information and data available at http://www2.ed.gov/programs/osepidea/618-data/index.html</p> <p>¹Note: These data are a snapshot count collected by states in the fall of the identified school year.</p> <p>²The total may not equal the sum of the parts due to cell suppression.</p> <p>³Developmental delay is applicable only to children ages 3 through 9.</p> <p>- Data not available x Data suppressed due to small cell size * Data flagged due to questionable data quality</p>				



RESOURCE TITLE:

50-State Comparison: K-12 Special Education Funding

Across 50 states, there are 50 different ways in which states allocate special education funding to districts. Click on a metric below for 50-State Comparisons showing how all states approach special education funding. View a specific state's approach by going to the [state profiles](#) page. See below for a description of each metric in this comparison.

50-State Comparison: [All data points for all states.](#)

Funding Mechanism: Each state's funding mechanism can be sorted into one or more of seven categories:

1. [Multiple Student Weights System](#)
2. [Single Student Weight System](#)
3. [Census-Based System](#)
4. [Resource-Allocation Model](#)
5. [Reimbursement System](#)
6. [Block Grant](#)
7. [High-Cost Students System](#)

[Multiple Student Weights System](#)

The most common model for distributing special education funding to districts is through the use of multiple student weights. In the funding formula, students are assigned a different weight or dollar amount based on certain factors. The weights can be assigned based on severity of disability (e.g., mild, moderate or severe); on specific disability (e.g., visually impaired students receive X amount and students with autism receive Y amount); or on the resources that the student receives (e.g., students who are educated in a resource room receive X amount, students who have an aid for part of the day receive Y amount).

Single Student Weight System

Under this funding mechanism, districts receive additional funding for each student identified as having disabilities. The weight or dollar amount is the same regardless of the severity, disability or resources.

Census-Based System

Under a census-based system, the state assumes that each district has the same percentage of students who require special education, regardless of the student count, then applies an additional weight or dollar amount for those students. There are eight states that use a census-based system and the percentage of students who require special education services varies among those states.

Resource-Allocation Model

Under a resource-allocation model, states distribute resources — not dollars — based on the number of identified students who require special education services. For example, the state would provide one teacher and one instructional assistant for every X number of students who require special education services and one psychologist for every Y number of students who require special education services.

Reimbursement System

There are seven states that use a reimbursement model for special education funding. Under this model, districts submit actual expenditures to the state, and the state reimburses districts for all or a portion of their actual spending.

Block Grant

Under a block grant model, the state gives the districts a grant to use on special education services. The block grant can be calculated based on past years' spending on special education services.

High-Cost Students System

Because of the financial burden that special education services can impose on a district, some states provide additional funding for very high-cost students. This is often coupled with another funding mechanism to help offset that cost of some services. For example, while districts are responsible for the cost of special education services up to a certain threshold, if costs exceed that threshold, that state would then provide additional funding to the district.

Description: A description of the funding mechanism.

Dollar amount or weight: How much additional funding is provided, either as a dollar amount or as a percentage of the base funding amount?

Is there a cap or a minimum threshold in place? Is there a cap on the maximum percentage of students who can be identified as requiring special education services? Is there a minimum threshold that a district must reach before it receives funding from the state?

Citation: Where in statute or code can the funding mechanism for students who require special education services be found?

If you have suggestions or questions, please contact Emily Parker at eparker@ecs.org.

General Notes:

Special education funding is unique because there are more federal requirements on funding for special education than there are for other high-need populations. Since 1975, states and school districts have had to comply with the mandates of the Individuals with Disabilities Education Act. The federal law requires that states provide a free, appropriate public education to all children with disabilities, regardless of the cost. Services to each student with disabilities must be based on their individualized education program. A student's education services must be provided, to the maximum extent appropriate, in the least restrictive environment.

State Notes:

Information on Hawaii's system of funding special education services comes from the [Hawaii Department of Education](#).

Information on West Virginia's system of funding special education services comes from the West Virginia Department of Education: [Source 1](#) and [Source 2](#).

PUBLISHED: March 20, 2019

AUTHOR(S): [Emily Parker](#)

RESOURCE TYPE: [50-State Comparison](#)

EDUCATION LEVEL: [K-12](#)

STATE(S): [Nationwide](#)

EDUCATION COMMISSION OF THE STATES IS THE TRUSTED SOURCE FOR COMPREHENSIVE KNOWLEDGE AND UNBIASED RESOURCES ON EDUCATION POLICY ISSUES RANGING FROM EARLY LEARNING THROUGH POSTSECONDARY EDUCATION.

50-State Comparison

K-12 Special Education Funding: Multiple Student Weights System

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Arizona	Multiple Student Weights System and High-Cost	Fourteen different categories based on the student's specific disability.	Ranging from 1.003 to 8.947	No	Ariz. Rev. Stat. Ann. § 15-943
Colorado	Multiple Student Weights System	Districts receive \$1,250 for each student with a disability. An additional \$6,000 for children with certain disabilities may be provided.	State ECEA funding of special education programs for children with disabilities is \$167,017,698 for budget year 2017-18.	No	Colo. Rev. Stat. Ann. § 22-20-114
Florida	Multiple Student Weights System and High-Cost	Fixed funding for special education students not receiving level 4 or 5 services is provided through an Exceptional Student Education guaranteed allocation.	Kindergarten and Grades 1, 2 and 3 with ESE Services: 1.107 Grades 4, 5, 6, 7 and 8 with ESE Services: 1.000 Grades 9, 10, 11 and 12 with ESE Services: 1.001 Support Level 4: 3.619 Support Level 5: 5.526	No	Fla. Stat. Ann. § 1011.62
Georgia	Multiple Student Weights System	Five categories based on individual disabilities.	Category I-- 2.3798 Category II-- 2.7883 Category III-- 3.5493 Category IV-- 5.7509 Category V-- 2.4511	No	Ga. Code Ann. § 20-2-161
Indiana	Multiple Student Weights System	Dollar amounts based on disability	Severe disabilities: \$9,156 Mild and moderate disabilities: \$2,300 Communication disorders: \$500 (duplicated) Homebound programs: \$500 (cumulative) Special preschool education programs: \$2,750	No	Ind. Code Ann. § 20-43-7-6

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Iowa	Multiple Student Weights System	Three different weights based on the type of classroom where the student is educated.	<p>Weights in statute: Level I (Regular classroom): 1.8 Level II (Little integration in regular classroom): 2.2 Level III (Severe/multiple disabilities): 4.4</p> <p>The School Budget Review Committee has the authority to review costs of providing instruction for children requiring special education and establish weights. The School Budget Review Committee weights are: Level I (Regular classroom): 1.72 Level II (Little integration in regular classroom): 2.21 Level III (Severe/multiple disabilities): 3.74</p>	No	Iowa Code Ann. § 256B.9
Kentucky	Multiple Student Weights System	The state has three weights for exceptional children.	Each category is given an additional weighting of 2.35, 1.17, and 0.24, respectively.	No	Ky. Rev. Stat. Ann. § 157.200
Maine	Multiple Student Weights System and High-Cost	<p>First 15%: 2.5 Above 15% threshold: 1.38 Fewer than 20 students: receive additional allocation</p> <p>For high-cost in-district special education placements, additional state funds must be allocated for each student estimated to cost 3 times the statewide special education per-pupil rate.</p>	<p>Up to 15%: 2.5 More than 15%: 1.38 Fewer than 20 students: receive additional allocation Additional funding for very high cost students</p>	No	Me. Rev. Stat. tit. 20-A, § 15681-A
Minnesota	Reimbursement System and Multiple Student Weights	Minnesota funds special education using a hybrid system incorporating multiple student weights and partial reimbursement.	<p>56% reimbursement of a formula (reimbursement) plus additional funding based on students slotted into three categories.</p> <p>\$10,400 for autism spectrum disorders, developmental delay, and severely multiply impaired</p> <p>\$18,000 for deaf and hard-of-hearing and emotional or behavioral disorders</p> <p>\$27,000 for developmentally cognitive mild-moderate, developmentally cognitive severe-profound, physically impaired, visually impaired, and deafblind</p>	No	Minn. Stat. Ann. § 125A.76
New Mexico	Multiple Student Weights System	Students are assigned to four different categories based on the services they receive.	<p>Class A and Class B: 1.7 Class C: 2.0 Class D: 3.0</p>	No	N.M. Stat. Ann. § 22-8-21

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Ohio	Multiple Student Weights System	Students are assigned to six different categories based on their specific disabilities.	Category 1: \$1,578 Category 2: \$4,005 Category 3: \$9,622 Category 4: \$12,841 Category 5: \$17,390 Category 6: \$25,637	No	Ohio Rev. Code Ann. § 3317.013
Oklahoma	Multiple Student Weights System	Students are assigned to ten different categories based on their specific disabilities.	Vision Impaired: 4.8 Learning Disabilities: 1.4 Deaf or Hard-of-Hearing: 3.9 Deaf and Blind: 4.8 Educable Mentally Handicapped: 2.3 Emotionally Disturbed: 3.5 Multiple Handicapped: 3.4 Physically Handicapped: 2.2 Speech Impaired: 1.05 Trainable Mentally Handicapped: 2.3	No	Okla. Stat. Ann. tit. 70, § 18- 201.1
Pennsylvania	Multiple Student Weights System	Multiple students weights based on cost.	Three categories based on student costs • Category 1: < \$25,000/year • Category 2: \$25,000 - \$49,999/year • Category 3: \$50,000 and up/year The weighted special education student headcount for each district: • Category 1: 2.51 • Category 2: 4.77 • Category 3: 8.46	No	72 Pa. Stat. Ann. § 1722-J; 24 P.S. § 25- 2509.5

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
South Carolina	Multiple Student Weights System	Different weights based on disability.	<p>1.74 Educable mentally handicapped pupils Learning disabilities pupils</p> <p>2.04 Trainable mentally handicapped pupils Emotionally handicapped pupils Orthopedically handicapped pupils</p> <p>2.57 Visually handicapped pupils Hearing handicapped pupils Pupils with autism</p> <p>1.90 Speech handicapped pupils</p> <p>2.10 pupils who are homebound pupils who reside in emergency shelters</p>	No	S.C. Code Ann. § 59- 20-40
South Dakota	Census-Based System and Multiple Student Weights System	Six levels of disability based on individual disability.	<p>Additional dollar amounts ranging from \$5,527.09 to \$28,161.22.</p> <p>“Level one disability,” a mild disability; assume 10% of ADM times \$5,527.09.</p> <p>“Level two disability,” cognitive disability or emotional disorder; times \$12,756.08.</p> <p>“Level three disability,” hearing impairment, deafness, visual impairment, deaf-blindness, orthopedic impairment, or traumatic brain injury; times \$16,258.12.</p> <p>“Level four disability,” autism; times \$15,766.80.</p> <p>“Level five disability,” multiple disabilities; times \$28,161.22.</p> <p>“Level six disability,” prolonged assistance; times \$8,111.33.</p>	No	S.D. Codified Laws § 13-37- 35.1
Texas	Multiple Student Weights System	Different weights based on where the student is educated.	<p>Ranging from 1.1 to 5.0</p> <p>Mainstream instructional arrangement: 1.1 Homebound: 5.0 Hospital class: 3.0 Speech therapy: 5.0 Resource room: 3.0 Self-contained, mild and moderate, regular campus: 3.0 Self-contained, severe, regular campus: 3.0 Off home campus: 2.7 Nonpublic day school: 1.7 Vocational adjustment class: 2.3</p>	No	Tex. Educ. Code Ann. § 42.151



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

50-State Comparison

K-12 Special Education Funding: Single Student Weight System

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Alaska	Single Student Weight System and High-Cost	<p>Available to provide special education, gifted and talented education, vocational education, and bilingual education services to its students.</p> <p>A special needs funding factor of 1.20 shall be applied.</p> <p>High Cost Factor: A district is eligible for intensive services funding for each special education student who needs and receives intensive services and is enrolled on the last day of the count period; for each such student, intensive services funding is equal to the intensive student count multiplied by 13.</p>	1.2 + (intensive student count) X 13	No	Alaska Stat. Ann. § 14.17.420
Louisiana	Single Student Weight System	Flat weight for all students with disabilities.	2.5	No	La. Stat. Ann. § 17:7
Maryland	Single Student Weight System	Flat multiplier regardless of disability	1.74	No	Md. Code Ann., Educ. § 5-209
Missouri	Single Student Weight System	Flat weight for all students with disabilities, if the count exceeds the special education threshold (not in the bottom or top 5% of ADA).	1.75	Yes - minimum threshold	Mo. Ann. Stat. § 163.011
Nevada	Single Student Weight	The funding provided to each school district through the multiplier for pupils with disabilities is limited to the actual number of pupils with disabilities enrolled in the school district, not to exceed 13% of total pupil enrollment for the school district.	1.53	Yes - cap	N.R.S. 387.122

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
New Hampshire	Single Student Weight System and High-Cost	Flat dollar amount. District is responsible for 3.5 times the state average per-pupil expenditure plus 20 % of additional cost. The department of education shall be liable for all costs in excess of 10 times the state average per-pupil expenditure.	Additional \$1,956.09 for a special education student who has an individualized educational plan (FY18 and FY19). Extra funding for very high cost students.	No	N.H. Rev. Stat. Ann. § 186-C:18
New York	Single Student Weight System	Single weight system.	The % of pupils with special education needs x districts adjusted average daily attendance for the year prior x the enrollment index.	No	N.Y. Educ. Law § 3602
North Carolina	Single Student Weight System	Depends on state allocations.	Flat dollar amount, 12.5% cap	Yes - cap	N.C. Gen. Stat. Ann. § 115C-107.1
North Dakota	Single Student Weight System	Additional flat weight.	1.082	No	N.D. Cent. Code Ann. § 15.1-27-03.1
Oregon	Single Student Weight System	Single weight system.	2.0 but may not exceed 11% of the districts ADM.	Yes - cap	Or. Rev. Stat. Ann. § 327.013
Washington	Single Student Weight System	Single weight system.	1.9309 with a cap of 13.5%	Yes - cap	Wash. Rev. Code Ann. § 28A.150.390



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

50-State Comparison

K-12 Special Education Funding: Census-Based System

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Alabama	Census-Based System	The adjustment for special education reflects 5% ADM weighted 2.50.	2.5 for 5% of the ADM	Yes - census-based	Ala. Code § 16-13-232
California	Census-Based System	Census-based model: the state allocates special education funds based on the total number of students enrolled, regardless of students' disability status.	Each special education local plan area has a unique per-pupil special education funding rate consisting of both state and federal funds. Not less than 10% of the total statewide units of average daily attendance for each special education local plan area.	Yes - minimum threshold	Cal. Educ. Code § 56836.145
Idaho	Census-Based System	Census-based model	Districts receive special education funding at a rate of 6.0% of a district's total K-6 enrollment and 5.5% of a district's total 7-12 enrollment for additional support units. The percentage of a district's total enrollment eligible for exceptional child funding is divided by the exceptional child support unit divisor of 14.5 to determine the number of exceptional child support units generated by the district.	Yes - census-based	Idaho Code Ann. § 33-1002
Illinois	Resource-Allocation System and Census-Based System	Both resource-based and census-based.	Resource-based: One FTE teacher position for every 141 special ed students One FTE instructional assistant for every 141 special ed students One FTE psychologist for every 1000 special ed students Census-based: The State Superintendent shall calculate the amount the unit must expend on special education and bilingual education pursuant to the unit's Base Funding Minimum, Special Education Allocation, and Bilingual Education Allocation.	Yes - minimum threshold	105 Ill. Comp. Stat. Ann. 5/18-8.15

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Massachusetts	Census-Based System and High-Cost	Census-based system. Plus, reimburses school districts for a portion of the costs of educating extraordinarily high-needs special education pupils (called the Special Education Circuit Breaker). Calculated by multiplying the average foundation budget per pupil by four.	Assumed in-district special education enrollment: 3.75 percent Vocational enrollment: 4.75. Reimbursement for very high cost students.	Yes - census-based	Mass. Gen. Laws Ann. ch. 71B, § 5A
Montana	Census-Based System	Census-based system.	The superintendent of public instruction shall determine the total special education payment to a school district, according to the following formula: (i) 52.5% through instructional block grants; (ii) 17.5% through related services block grants; (iii) 25% to reimbursement of local districts; and (iv) 5% to special education cooperatives and joint boards for administration and travel.	No	Mont. Code Ann. § 20-9-321
New Jersey	Census-Based System and High-Cost	Census-based system with an option for extraordinary special education aid	Special education categorical aid = $(RE \times SEACR \times AEC \times \frac{1}{4}) \times GCA$ where RE is the resident enrollment of the school district or county vocational school district; SEACR is the State average classification rate for general special education services pupils; AEC is the excess cost for general special education services pupils; and GCA is the geographic cost adjustment as developed by the commissioner. Extraordinary special education aid is also available.	No	N.J. Stat. Ann. § 18A:7F-55
South Dakota	Census-Based System and Multiple Student Weights System	Six levels of disability based on individual disability.	Additional dollar amounts ranging from \$5,527.09 to \$28,161.22. "Level one disability," a mild disability; assume 10% of ADM times \$5,527.09. "Level two disability," cognitive disability or emotional disorder; times \$12,756.08. "Level three disability," hearing impairment, deafness, visual impairment, deaf-blindness, orthopedic impairment, or traumatic brain injury; times \$16,258.12. "Level four disability," autism; times \$15,766.80. "Level five disability," multiple disabilities; times \$28,161.22. "Level six disability," prolonged assistance; times \$8,111.33.	No	S.D. Codified Laws § 13-37-35.1



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

50-State Comparison

K-12 Special Education Funding: Resource-Allocation System

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	NOTES	CITATION
Delaware	Resource-Allocation System	Resource allocation model.	Increased teacher-student ratios: Preschool--12.8 K-3--16.2 4-12 Regular Education--20 4-12 Basic Special Education (Basic)--8.4 Pre K-12 Intensive Special Education (Intensive)--6 Pre K-12 Complex Special Education (Complex)--2.6.	Yes - minimum threshold		Del. Code Ann. tit. 14, § 1703
Hawaii	Single School District (Resource-Allocation System)	Spending for special education is based on state appropriations.	\$409,869,091 FY2019	No	Information on Hawaii's system of funding special education services comes from the Hawaii Department of Education .	

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	NOTES	CITATION
Illinois	Resource-Allocation System and Census-Based System	Both resource-based and census-based.	<p>Resource-based: One FTE teacher position for every 141 special ed students One FTE instructional assistant for every 141 special ed students One FTE psychologist for every 1000 special ed students</p> <p>Census-based: The State Superintendent shall calculate the amount the unit must expend on special education and bilingual education pursuant to the unit's Base Funding Minimum, Special Education Allocation, and Bilingual Education Allocation.</p>	Yes - minimum threshold		105 Ill. Comp. Stat. Ann. 5/18-8.15
Mississippi	Resource-Allocation System	Resource-based allocation: One teacher unit is provided for each approved class of exceptional students. The funding allocated is based on the teacher's certification and experience.	The allocation of funds for each teacher unit shall be based on the teacher's certification.	No		Miss. Code. Ann. § 37-23-35
Tennessee	Resource-Allocation System	Resource allocation model where teachers, assistants, and supervisors are allocated based on the number of students with disabilities.	<p>Teachers: 10 options based on disability and severity Supervisors: 750:1 Assessment Personnel: 600:1 Assistants: 60:1 Materials: \$36.50 Equipment: \$17.25 Travel: \$17.25</p>	Yes - minimum threshold		Tenn. Comp. R. & Regs. 0520-01-09-02
Vermont	Resource-Allocation and High-Cost	Hybrid system	<p>Resource-based allocation: 9.75 special education teaching positions per 1000 students. Reimbursement for high cost: Very high cost (one child exceeds \$50,000 for a fiscal year)</p>	No		Vt. Stat. Ann. tit. 16, § 2961 and Vt. Stat. Ann. tit. 16 V.S.A. §2962
Virginia	Resource-Allocation System	Resource-based system, varies by district	A per-child special education add on amount is determined by calculating the number of teachers and aides necessary to meet the special education program standards in each school.	No		Va. Code Ann. § 22.1-253.13:2



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

50-State Comparison

K-12 Special Education Funding: Reimbursement System

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Kansas	Reimbursement System	State covers "excess costs" to supplement Federal allocations.	School board must follow an 11 step formula to determine the amount of state aid for special education services a school district is entitled to receive for the school year.	No	Kan. Stat. Ann. § 72-3422
Michigan	Reimbursement System	Partial reimbursement.	Not to exceed 75% of the total approved costs of operating special education programs.	Yes - reimbursement cap	Mich. Comp. Laws Ann. § 388.1652
Minnesota	Reimbursement System and Multiple Student Weights	Minnesota funds special education using a hybrid system incorporating multiple student weights and partial reimbursement.	<p>56% reimbursement of a formula (reimbursement) plus additional funding based on students slotted into three categories.</p> <p>\$10,400 for autism spectrum disorders, developmental delay, and severely multiply impaired</p> <p>\$18,000 for deaf and hard-of-hearing and emotional or behavioral disorders</p> <p>\$27,000 for developmentally cognitive mild-moderate, developmentally cognitive severe-profound, physically impaired, visually impaired, and deafblind</p>	No	Minn. Stat. Ann. § 125A.76
Nebraska	Reimbursement System	Partial reimbursement.	For special education and support services provided in each school fiscal year, the State Department of Education shall reimburse each school district in the following school fiscal year a pro rata amount determined by the department.	No	Neb. Rev. Stat. Ann. § 79-1142

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION
Rhode Island	Reimbursement and High-Cost	Reimbursement capped at 110% of the state average. Categorical for very high cost students.	Reimbursement capped at 110% of the state average. Categorical for very high cost students.	Yes - reimbursement cap	16 R.I. Gen. Laws Ann. § 16- 24-6 16 R.I. Gen. Laws Ann. § 16- 7.2-6
Wisconsin	Reimbursement System and High-Cost	Partial reimbursement with additional monies for high-cost students	Additional funding for students costing over \$30,000.	No	Wis. Stat. Ann. § 115.881
Wyoming	Reimbursement System	Total Reimbursement, Capped at 2018 levels.	The amount provided for special education shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services.	Yes - capped at 2018-2019 reimbursement levels	Wyo. Stat. Ann. § 21- 13-321



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

50-State Comparison

K-12 Special Education Funding: Block Grant

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	NOTES	CITATION
Utah	Block Grant	Block grant based on prior 5 years' allocations with a growth factor.	The State Board of Education shall use a school district's or charter school's average number of special education add-on weighted pupil units determined by the previous five year's average daily membership data as a foundation for the special education add-on appropriation. Capped at 12.18%	Yes - Cap on growth		Utah Code Ann. § 53F-2-307



**EDUCATION COMMISSION
OF THE STATES**

Your education policy team.

50-State Comparison

K-12 Special Education Funding: High-Cost Students System

March 2019

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION	NOTES
Alaska	Single Student Weight System and High-Cost	<p>Available to provide special education, gifted and talented education, vocational education, and bilingual education services to its students.</p> <p>A special needs funding factor of 1.20 shall be applied.</p> <p>High Cost Factor: A district is eligible for intensive services funding for each special education student who needs and receives intensive services and is enrolled on the last day of the count period; for each such student, intensive services funding is equal to the intensive student count multiplied by 13.</p>	$1.2 + (\text{intensive student count}) \times 13$	No	Alaska Stat. Ann. § 14.17.420	
Arizona	Multiple Student Weights System and High-Cost	Fourteen different categories based on the student's specific disability.	Ranging from 1.003 to 8.947	No	Ariz. Rev. Stat. Ann. § 15-943	
Arkansas	High-Cost	Arkansas only provides funding for very high cost students, called Special education-catastrophic occurrences funding.	Special education-catastrophic occurrences funding is a line item appropriation calculated based on student growth.	Yes - minimum threshold	Ark. Code Ann. § 6-20-2305	

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION	NOTES
Connecticut	High-Cost	The district is responsible for all costs up to 4.5 times the average per-pupil educational costs. The State Board of Education shall, within available appropriations, pay any costs in excess of the local or regional board's basic contribution.	The state only provides funding if the costs exceed 4.5 times the average per-pupil expenditure.	Yes - minimum threshold	Conn. Gen. Stat. Ann. § 10-76g	
Florida	Multiple Student Weights System and High-Cost	Fixed funding for special education students not receiving level 4 or 5 services is provided through an Exceptional Student Education guaranteed allocation.	Kindergarten and Grades 1, 2 and 3 with ESE Services: 1.107 Grades 4, 5, 6, 7 and 8 with ESE Services: 1.000 Grades 9, 10, 11 and 12 with ESE Services: 1.001 Support Level 4: 3.619 Support Level 5: 5.526	No	Fla. Stat. Ann. § 1011.62	
Maine	Multiple Student Weights System and High-Cost	First 15%: 2.5 Above 15% threshold: 1.38 Fewer than 20 students: receive additional allocation For high-cost in-district special education placements, additional state funds must be allocated for each student estimated to cost 3 times the statewide special education per-pupil rate.	Up to 15%: 2.5 More than 15%: 1.38 Fewer than 20 students: receive additional allocation Additional funding for very high cost students	No	Me. Rev. Stat. tit. 20-A, § 15681-A	
Massachusetts	Census-Based System and High-Cost	Census-based system. Plus, reimburses school districts for a portion of the costs of educating extraordinarily high-needs special education pupils (called the Special Education Circuit Breaker). Calculated by multiplying the average foundation budget per pupil by four.	Assumed in-district special education enrollment: 3.75 percent Vocational enrollment: 4.75. Reimbursement for very high cost students.	Yes - census-based	Mass. Gen. Laws Ann. ch. 71B, § 5A	
New Hampshire	Single Student Weight System and High-Cost	Flat dollar amount. District is responsible for 3.5 times the state average per-pupil expenditure plus 20 % of additional cost. The department of education shall be liable for all costs in excess of 10 times the state average per-pupil expenditure.	Additional \$1,956.09 for a special education student who has an individualized educational plan (FY18 and FY19). Extra funding for very high cost students.	No	N.H. Rev. Stat. Ann. § 186-C:18	

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION	NOTES
New Jersey	Census-Based System and High-Cost	Census-based system with an option for extraordinary special education aid	Special education categorical aid = $(RE \times SEACR \times AEC \times \frac{1}{4}) \times GCA$ where RE is the resident enrollment of the school district or county vocational school district; SEACR is the State average classification rate for general special education services pupils; AEC is the excess cost for general special education services pupils; and GCA is the geographic cost adjustment as developed by the commissioner. Extraordinary special education aid is also available.	No	N.J. Stat. Ann. § 18A:7F- 55	
Rhode Island	Reimbursement and High-Cost	Reimbursement capped at 110% of the state average. Categorical for very high cost students.	Reimbursement capped at 110% of the state average. Categorical for very high cost students.	Yes - reimbursement cap	16 R.I. Gen. Laws Ann. § 16- 24-6 16 R.I. Gen. Laws Ann. § 16- 7.2-6	
Vermont	Resource-Allocation and High-Cost	Hybrid system	Resource-based allocation: 9.75 special education teaching positions per 1000 students. Reimbursement for high cost: Very high cost (one child exceeds \$50,000 for a fiscal year)	No	Vt. Stat. Ann. tit. 16, § 2961 and Vt. Stat. Ann. tit. 16 V.S.A. §2962	
West Virginia	Only High-Cost	Hybrid resource-allocation and reimbursement for only high-cost students.	FTE calculated for teacher, therapist, aides, and bus drivers.	No		Information on West Virginia's system of funding special education services comes from the West Virginia Department of Education Source 1 and Source 2 .

STATE ▲	FUNDING MECHANISM	DESCRIPTION	AMOUNT (DOLLAR AMT OR WEIGHT)	IS THERE A CAP OR A MINIMUM THRESHOLD IN PLACE?	CITATION	NOTES
Wisconsin	Reimbursement System and High-Cost	Partial reimbursement with additional monies for high-cost students	Additional funding for students costing over \$30,000.	No	Wis. Stat. Ann. § 115.881	

TITLE 14
Education
Free Public Schools
CHAPTER 2. The Public School System
Subchapter I. System of Free Public Schools

§ 206 Braille literacy rights and education.

(a) In developing the individualized written education program for each student who is blind the presumption shall be that proficiency in Braille reading and writing is essential for each student to achieve satisfactory educational progress. The assessment required for each student shall include a Braille skills inventory, including a statement of strengths and weaknesses. Braille instruction and its use are not mandated by this section if, in the course of developing the student's individualized educational program, all members of the team concur that the student's visual impairment does not affect reading and writing performance commensurate with ability. Nothing in this section requires exclusive use of Braille if other special education services are appropriate to the student's needs. The provision of other appropriate services shall not preclude Braille use or instruction.

(b) Instruction in Braille reading and writing shall be sufficient to enable each student who is blind to communicate effectively and efficiently with the same proficiency expected of the student's peers of comparable ability and grade level. The student's individualized educational plan shall specify:

- (1) The results obtained from the inventory required in subsection (a) of this section;
- (2) How Braille will be implemented as the primary mode for learning through integration with other classroom activities;
- (3) The date on which Braille instruction will commence;
- (4) The length of the period of instruction and the frequency and duration of each instructional session;
- (5) The level of competency in Braille reading and writing to be achieved by the end of the period, and the objective assessment measures to be used; and
- (6) The evidence used to determine that the student's ability to read and write effectively without special education services will not be impaired if a decision has been made under subsection (a) of this section that Braille instruction or use is not required for the student.

(c) Each publisher of textbooks purchased by Delaware School Districts must, in addition to granting copyright permission for transcription into Braille, large print or tape for visually impaired students as already established by law, must furnish to the Division for the Visually Impaired, a print copy, and when requested, with computer diskettes in the American Standard Code for Information Interchange (ASCII) from which Braille versions of the texts can be produced. The print copy is also required since the accompanying graphics must be reproduced by hand, and some subject matter, such as mathematics must still be hand transcribed.

(d) As part of the certification process, all newly certified teachers of the visually impaired, after enactment of this section shall be required to demonstrate competence in reading and writing Braille. The Department of Education which certifies teachers shall require proof of a passing score on the Library of Congress

Braille Competency Test (when it is completed and validated), or any comparable,⁴⁴⁵ nationally recognized validated test. Until that time, the Department of Education will continue to certify teachers of the visually impaired through its existing standards. All newly hired teacher aides will be required to achieve certification as Braille transcribers through the Library of Congress within 2 years of employment.

(e) In order to meet the instructional needs of students who are blind, the Division for the Visually Impaired shall hire an itinerant teacher of the visually impaired for every 28 students (or major fraction thereof) who are registered and receiving instruction from the Agency. At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.

TITLE 14
Education
Part I
Free Public Schools
Chapter 11A.
High Needs Educator Student Loan Payment Program

§ 1102A Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them except when the context clearly indicates a different meaning:

- (1) “Award” means the Department’s decision to make a loan payment on an applicant’s behalf.
- (2) “Department” means the Delaware Department of Education.
- (3) “Educator” shall have the meaning set forth in § 1202 of this title. The definition of “educator” also includes teachers employed by the Delaware Division for the Visually Impaired who teach visually impaired students.

TITLE 14
Education
Free Public Schools
CHAPTER 12. Educator Licensure, Certification, Evaluation, Professional
Development, and Preparation Programs
Subchapter I. Professional Standards Board

§ 1202 Definitions.

The following definitions apply to this chapter:

- (6) “Educator” means a person licensed and certified by the State under this chapter to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board. For purposes of this subchapter, the term “educator” does not include substitute teachers.

TITLE 14
Education
Free Public Schools
CHAPTER 17. State Appropriations

§ 1701 Amount to be appropriated by General Assembly.

The General Assembly shall make provision for the annual payment to the free public schools of the State an amount which shall amply provide for the items authorized by this title and those additional items that the General Assembly deems appropriate.

§ 1702 Divisions of school appropriations.

(a) Appropriations for the support, maintenance and operation of the free public schools of the State shall be in 3 divisions: Division I shall include appropriations designated for the purpose of paying the employees of the various school districts of the State in accordance with the state-supported salary schedules contained in Chapter 13 of this title; Division II shall include the appropriations for all other school costs and energy, except those for debt service and the transportation of pupils; Division III shall include appropriations for educational advancement.

(b) The Department of Education shall in its annual budget request recommend an aggregate amount to be appropriated to the State's school districts for the purpose of educational advancement on a unit basis. The Department's annual budget request shall include funds adequate to comply with its obligation under § 1704(2) of this title.

(c) Appropriations pursuant to Division I shall be used to employ personnel authorized by Chapter 13 of this title. School districts shall not use such funding to employ administrators in addition to those funded by the State pursuant to Chapter 13 of this title.

(d) Notwithstanding any other provision of this chapter, appropriations pursuant to Division II may be used for any otherwise legal purposes.

(e) The Department of Education, Office of Management and Budget and Controller General's Office are authorized to simplify the complexity of state share accounting by consolidating school district appropriations in the Delaware Financial Management System. Such consolidation may include state funding appropriated and allocated to school districts under Divisions I, II and III, Academic Excellence, Reading Cadre, Reading Resource Teachers, and Exceptional Student Unit-Vocational. Appropriations authorized to be consolidated herein shall not alter the school funding formulas, salary schedules, and/or provision of expenditure stipulated in this title and in the Annual Appropriations Act.

§ 1703 Unit of pupils.

As used in this chapter:

(a) "Unit" or "unit of pupils" is defined according to this schedule of numbers of pupils enrolled in schools beginning in kindergarten and through grade 12; and for children prior to entry into kindergarten who are eligible for special education services as defined in Chapter 31 of this title:

Beginning July 1, 2011

Preschool — 12.8

K-3 — 16.2

4-12 Regular Education — 20

4-12 Basic Special Education (Basic) — 8.4

Pre K-12 Intensive Special Education (Intensive) — 6

Pre K-12 Complex Special Education (Complex) — 2.6.

(b) All such units must be authorized by the Department of Education under rules and regulations promulgated by the Department. Partial unit funding is provided for all units based on the cash-in value of the unit. Only the last unit in any category may be a major fraction.

(c) In the case of kindergarten, “unit” or “unit of pupils” is defined as 32.4 pupils for half-day kindergarten and 16.2 pupils for full-day kindergarten.

(d) For funding purposes, the following conditions shall prevail for the calculations of the number of units for children with disabilities and all other children. The preschool unit shall be 1 unit for 12.8 students. The kindergarten through third grade unit (K-3) shall be 1 unit for 16.2 students, except as noted in subsection (c) of this section above. The regular education unit for grades 4 through 12 (4-12 regular education) shall be 1 unit for 20 students. The basic special education (basic) unit for grades 4 through 12 shall be 1 unit for 8.4 students. The intensive special education (intensive) unit for preschool through grade 12 shall be 1 unit for 6 students. The complex special education (complex) unit for preschool through grade 12 shall be 1 unit for 2.6 students. Grade 12 is defined as enrollment until receipt of a regular high school diploma or the end of the school year in which the student attains the age of 21, whichever occurs first, as defined in Chapter 31 of this title.

(1) *Preschool unit.* — a. Student shall be counted in the preschool unit if the student is identified as eligible for special education and related services and not counted in the intensive unit or complex unit described below and is:

1. Eligible for special education and related services from birth; or
2. At least 3 years of age; or
3. Eligible as described in the interagency agreement with the Department of Health and Social Services; or
4. Not yet entered kindergarten.

b. The following provisions shall apply to the preschool unit:

1. Partial unit funding is provided for between 1 and 12.8 students based on the cash-in value of the unit.
2. The cash-in value of the unit is tied to the teacher state salary schedule at the master’s level plus 10 years of experience as defined in § 1305(a) of this title.

3. The units include Divisions II and III.

4. Districts must use all funds generated by preschool unit to support services for the students counted in the preschool unit. Districts are not limited to using the funds to employ teachers only. The funds may be used to hire preschool special education teachers, paraprofessionals, and speech and language pathologists, or other related services personnel as determined at the local level. The units may also be used to secure contractual services per requirements for the contractual option described in Chapter 13 of this title.

5. Districts may use tuition to pay for the local share and excess costs of special education and related services.

6. The units are considered teacher/instructional units for purposes of other unit counts.

7. A student is not required to receive a minimum number of hours in special education instruction to count in the preschool unit.

(2) *K-3 unit.* — a. A student shall be counted in the K-3 unit if the student is enrolled in kindergarten through grade 3 and not counted in the intensive unit or complex unit described later in this section.

b. The following provisions shall apply to the K-3 unit:

1. Partial unit funding is provided for between 1 and 16.2 students based on the cash-in value of the unit.

2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus 10 years of experience as defined in § 1305(a) of this title.

3. The units include Divisions II and III.

4. The units are covered under the 98% rule as defined in § 1704(4) of this title and returned to the buildings that generate them.

5. At least 20% of teachers at the K-3 building level must be certified in the area of special education. The units are considered teacher/instructional units for purposes of other unit counts.

(3) *4-12 regular education unit.* — a. A student shall be counted in the grades 4-12 unit if the student is enrolled in grades 4 through 12 and not identified as eligible for special education and related services.

1. Partial unit funding is provided for between 1 and 20 students based on the cash-in value of the unit.

2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus 10 years of experience as defined in § 1305(a) of this title.

3. The units include Divisions II and III.

4. The units are covered under the 98% rule as defined in § 1704(4) of this title and returned to the buildings that generate them.

5. The units are considered teacher/instructional units for purposes of other unit counts.

(4) *4-12 basic special education (basic)*. — a. A student shall be counted in the basic unit if the student is enrolled in grades 4 through 12; and identified as eligible for special education and related services; and not counted in the intensive unit or the complex unit described below.

b. The following provisions shall apply to the 4-12 basic special education (“basic”) unit:

1. Partial unit funding is provided for between 1 and 8.4 students based on the cash-in value of the unit.
2. The cash-in value of the unit is tied to the teacher state salary schedule at the master’s level plus 10 years of experience as defined in § 1305(a) of this title.
3. The units include Divisions II and III.
4. The units are covered under the 98% rule as defined in § 1704(4) of this title and returned to the buildings that generate them.
5. A student is not required to receive a minimum number of hours of instruction to count as a student in the basic unit.
6. The units are considered teacher/instructional units for purposes of other unit counts.
7. All units generated by special education students are to be used for professional staff to support students with disabilities, to include special education teachers, school psychologists, speech/language pathologists, reading specialists, educational diagnosticians, counselors, class aides and social workers.
8. Districts are authorized to use up to 5% of the units for para-professionals or to cash them in for related services.

(5) *Pre-K-12 intensive special education (intensive)*. — a. A student shall be counted in the intensive unit if the student is:

1. Enrolled in preschool through grade 12; and
2. Identified as a student eligible for special education; and
3. In need of a moderate level of instructional, behavioral, personal support, or health support characterized individually or in combination by the following:
 - A. Need for adult-student ratio of 1:3 to 1:8 for a substantial portion of educational program;
 - B. Need for staff support for mid-range or moderate-use assistive technology;

- C. Need for some extended school year or relatively frequent but intermittent out-of-school (e.g., hospital; homebound) services;
- D. Need for moderate level of related services, including interpreter, therapy, and school nurse and health services;
- E. Need for nonroutine or frequent accommodations or adaptations to curriculum or educational environment; and
- F. Such additional criteria as may be adopted by the Department with the approval of the State Board of Education through regulation.

b. The following provisions shall apply to the pre-K-12 intensive special education ("intensive") unit:

1. Partial unit funding is provided for between 1 and 6 students based on the cash-in value of the unit.
2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus 10 years of experience as defined in § 1305(a) of this title.
3. The units include Divisions II and III.
4. 100% of the units must support the students that generate them.
5. The student is not required to receive a minimum number of hours of special education instruction to count as a student in the intensive unit.
6. The units are considered teacher/instructional units for purposes of other unit counts.
7. Units generated by special education students are to be used for professional staff to support students with disabilities, to include special education teachers, school psychologists, speech/language pathologists, reading specialists, educational diagnosticians, counselors, class aides and social workers.
8. Units may also be used to cash-in for other related services.
9. Districts may use tuition to pay for the local share and excess costs of the program.

(6) *Pre-K-12 complex special education (complex)*. — a. A student shall be counted in the complex unit if the student is:

1. Enrolled in preschool through grade 12; and
2. Identified as a student eligible for special education; and
3. In need of a high level of instructional, behavioral, personal, or health support characterized individually or in combination by the following:
 - A. Need for adult-student ratio of 1:1 to 1:2 for a substantial portion of educational program;
 - B. Need for staff support for high-tech or extensive-use assistive technology which may include both high and low technology items;

C. Need for extensive extended school year or relatively frequent but intermittent out-of-school (e.g., hospital; homebound) services;

D. Need for extensive level of related services, including interpreter, therapy, and school nurse and health services;

E. Need for extraordinary or extensive accommodations or adaptations to curriculum or educational environment; and

F. Such additional criteria as may be adopted by the Department with the approval of the State Board of Education through regulation.

b. The following provisions shall apply for the pre-K-12 complex special education ("complex") unit:

1. Partial unit funding is provided for between 1 and 2.6 students based on the cash-in value of the unit.

2. The cash-in value of the unit is tied to the teacher state salary schedule at the master's level plus 10 years of experience as defined in § 1305(a) of this title.

3. The units include Divisions II and III.

4. One hundred percent of the units must support the students that generate them.

5. The student is not required to receive a minimum number of hours of special education instruction to count in the complex unit.

6. The units are considered teacher/instructional units for purposes of their unit counts.

7. Units generated by special education students are to be used for professional staff to support students with disabilities, to include special education teachers, school psychologists, speech/language pathologists, reading specialists, educational diagnosticians, counselors, class aides and social workers.

8. Units may also be used to cash-in for other related services.

9. Districts may use tuition to pay for the local share and excess costs of the program.

(7) Counting students in preschool, basic, intensive, or complex shall be based on the Individual Education Program (IEP) and according to rules and rubrics described in Department of Education regulations.

(8) At the completion of the IEP meeting, the team will discuss and review the needs based funding unit and assure in writing that adequate resources are available to implement the IEP.

(9) The Department shall request any financial reports or other information it deems necessary from districts and charter schools to ensure the appropriate use of all units earned. Districts and charters schools shall be required to provide reports and information as requested by the Department.

(e) Programs shall be conducted on a 12-month schedule for children who are identified with severe mental disability, trainable mental disability, autism, traumatic brain injury, deaf-blindness or orthopedic disability, limited to cerebral palsy, muscular dystrophy, spina bifida, juvenile rheumatoid arthritis, amputation, arthrogryposis, or contractures caused by fractures or burns. Such programs shall not exceed 1282 hours of school attendance and 222 teacher days in length except that in the case of programs for children identified with autism a school district may extend school attendance to 1,426 hours. Enrollment of pupils beyond 180 days per year in any such program will be on a voluntary basis upon application by the parent, guardian or other person legally responsible for the enrollee. The state share of the salary paid to teachers for the number of units authorized in accordance with the rules and regulations of the Department of Education during the eleventh and twelfth months shall be at the rate of number of days employed multiplied by the daily rate defined in subsection (j) of this section of the particular teacher's entitlement for a regular school year.

(f) The state share for programs conducted on a 12-month schedule for children identified in subsection (e) of this section shall be calculated based on 100% of complex units and 30% of intensive units earned. The state share of the salary paid to teachers for the number of units authorized in accordance with the rules and regulations of the Department of Education during the eleventh and twelfth months shall be at the rate of the number of days employed multiplied by the daily rate defined in subsection (j) of this section of the particular teacher's entitlement for a regular school year. The calculation using the count of complex and intensive units does not establish a categorical right to 12-month programs for students who are counted in those units. The calculation of 100% of complex and 30% of intensive units is used to establish the state share provided in support of 12-month programs as described in subsection (e) of this section. The determination of eligibility for extended school year services is determined by IEP teams in conformity with applicable federal and state laws and regulations independent of 12-month program eligibility of students identified in subsection (e) of this section.

(g) An occupational-vocational unit for financing purposes shall mean 27,000 pupil minutes per week; provided, however, units shall be counted on the basis of 1 unit for each 30 students for students enrolled in the New Castle County Vocational-Technical School District, the Kent County Vocational-Technical School District and the Sussex County Vocational-Technical School District. Computation of 27,000 pupil minutes per week shall be in accordance with the rules and regulations established by the Department of Education.

(h) Notwithstanding the fact that such pupils have been counted in regular units of pupils, grades 7 to 12, inclusive, in the same or another school district, pupils who are enrolled in a vocational or occupational education program which has been approved annually by the Department of Education and which is conducted by any public school district shall also be counted for entitlement to vocational units.

(i) Pupils having been counted in the occupational-vocational units of pupils shall be deducted from the regular unit entitlement of a comprehensive high school according to the following formula:

$$\text{Occupational-vocational units} \times .5 = \text{deductible units}$$

(j) Effective for fiscal year beginning July 1, 2001, each public high school may hire an occupational-vocational teacher for an additional 15 days for participation in program development and oversight of summer vocational-occupational cooperative programs. Commencing in FY 2002, these teachers shall be entitled to payment of the state share of salaries at the rate of $\frac{1}{188}$ of their entitlement for a full school year multiplied by the number of days employed.

(k) In the case of children at the pre-kindergarten ages who are partially deaf or hard of hearing, programs of instruction may be prepared, according to rules and regulations of the Department of Education with the approval of the State Board of Education as authorized in § 203 of this title, that will provide special education and training for these children and their parents. The minimum age described in § 3101 of this title shall not be applicable to children served under this section. Units so established shall be based upon statewide needs. Time spent with each child each week may approximate the time devoted to kindergarten programs.

(l) In the case of children, infant through the end of the school year in which the child with a disability turns 21, or the receipt of a regular high school diploma, whichever occurs first, who are identified with autism, programs of instruction may be prepared, according to rules and regulations of the Department of Education with the approval of the State Board of Education as authorized in § 203 of this title, that will provide special education and training. Programs for children of the pre-kindergarten ages may include the parents of those children. The minimum age described in § 3101 of this title shall not be applicable to children served under this subsection. Enrollment of children with disabilities in programs other than those administered in the district of residence may occur with the mutual agreement of the district of residence and the district administering the specialized program. The district which accepts and enrolls the child may count that child for unit count purposes and the enrollee shall not be counted in any other school district. The district where the child is enrolled may count that child for the purposes of related services units or any other administrative unit such as director or principal.

(m) In the case of children, infant through the end of the school year in which the child with a disability turns 21 or the receipt of a regular high school diploma, whichever occurs first, who are identified as deaf-blind, programs of instruction may be prepared, according to rules and regulations of the Department of Education with the approval of the State Board of Education. Programs for children of the pre-kindergarten ages may include the parents of those children. The minimum age described in § 3101 of this title shall not be applicable to children served under this subsection.

(n) (1) The Interagency Resource Management Committee (IRMC) shall have administrative responsibility for establishing a comprehensive and coordinated early childhood system. The IRMC shall be composed of the following members (or their designee with full voting powers):

- a. Secretary of Education, who shall be the chairperson of the IRMC.
- b. Secretary of the Department of Health and Social Services.

- c. Secretary of the Department of Services for Children, Youth and Their Families.
- d. Director of the Office of Management and Budget.
- e. Controller General.
- f. The Chair of the IRMC Extended Learning Opportunities Subcommittee and the Chair of Early the Childhood Council as nonvoting members.

(2) An affirmative vote of a majority of all voting members shall be required to take action.

(3) The IRMC shall promote interagency collaboration in the delivery of early childhood services to young children and their families including young children with disabilities. The IRMC will work to support and coordinate the implementation of the recommendations of the State early childhood plan. To accomplish these goals, the IRMC shall do the following:

- a. Allocate all funds provided by the State, obtained by it, or under its control, which are designated for children eligible for services under this subsection except for unit funding for children with disabilities as described in this title.
- b. Coordinate resources, federal and state and public and private, to support family-centered services for eligible children and their families, as appropriate.
- c. Seek to develop collaborative approaches with the institutions of higher education for children eligible for services under this subsection. Special emphasis shall be placed on the use of existing preschool educator training and child care provider training programs.
- d. Coordinate planning, policy, program and funding to establish a comprehensive and coordinated early childhood system.

(4) The IRMC may, at its discretion, apply for and allocate grant funds. Sources of such grant funds may include, but not be limited, to the federal Childcare Block Grant, Developmental Disabilities Council, federal Child and Maternal Health Grant, federal U.S.C. Title 20, and federal Head Start, where appropriate.

(5) The IRMC shall report to the Governor, President Pro Tempore of the Senate, and the Speaker of the House on April 15 of each fiscal year. Each report shall include:

- a. A summary of IRMC experience in attempting to accomplish its purposes as stated above; and
- b. A recommendation of the IRMC whether and how to institutionalize its activities and functions.

(6) The Director of the Office of Management and Budget and the Controller General are hereby authorized to transfer additional funds serving this population among the budgets of the departments represented on the IRMC if

there is prior agreement by the Secretary of the department, as the case may be, to which the funds were previously allocated.

(7) For the purpose of facilitating the continuation of services, programs receiving an allocation under the provisions of this section may receive 20% of the prior year's allocation at the outset of each fiscal year. These programs are required to present program proposals to the IRMC as required by the IRMC. Upon IRMC approval, adjustments to the program allocations may be made.

(8) The IRMC shall be staffed by the Early Development and Learning Resources Office in the Department of Education. Such Office shall be composed of at least 2 Education Specialists and a clerical support position. Funding shall be provided by the Department of Health and Social Services and the Department of Services for Children, Youth and Their Families by no later than July of each fiscal year to support the operational costs associated with 1 Educational Specialist and clerical support positions. Funds allocated in this section are to be used to support the work of the Office and to continue the interagency coordination process for Delaware's early childhood programs.

(o) Funds appropriated for the purpose of funding the units of pupils under subsections (d), (e), (f) and (k) of this section shall not be expended for any other purpose.

§ 1703A Extended Learning Opportunities Subcommittee.

(a) The IRMC Extended Learning Opportunities Subcommittee is established to oversee coordination, research, and planning statewide for before and after school and summer learning programs for school-age children and advise the General Assembly and the Governor.

(b) The duties of the IRMC Subcommittee are as follows:

(1) Research national and local trends and best practices in extended learning programs and services and recommend new public policy that aligns with that research.

(2) Develop program standards and suggest funding protocols.

(3) Establish standards for program performance and evaluation.

(4) Make regular recommendations regarding coordination of services among different stakeholders, especially with organizations and programs providing early childhood services.

(5) Submit a yearly summary of its recommendations to the IRMC to include in its annual report under § 1703(n)(5)b of this title.

(c) The Subcommittee shall be composed of 19 members:

(1) The following members shall serve by virtue of their position and may designate a person to serve in their stead and at their pleasure:

a. The Secretary of the Department of Education, or the Secretary's designee.

b. The Secretary of the Department of Children, Youth and Their Families, or the Secretary's designee.

c. The Secretary of the Department of Health and Social Services, or the Secretary's designee.

(2) The Delaware After School Network Director, appointed by the Governor.

(3) A representative of a nonprofit afterschool program provider, appointed by the Governor.

(4) A representative of a private afterschool program provider, appointed by the Governor.

(5) A representative of a summer program provider, appointed by the Governor.

(6) A school district superintendent, appointed by the Governor.

(7) A representative for elementary school teachers, appointed by the President of the Delaware State Education Association.

(8) A representative for secondary school teachers, appointed by the President of the Delaware State Education Association.

(9) Four members of the public, who shall be appointed by the Governor.

(10) A representative of the Charter School community, appointed by the Delaware Charter School Network.

(11) A representative of the Governor's Advisory Council on Exceptional Children, appointed by the Chair of the GACEC.

(12) A representative of the Provider Advisory Board, appointed by the the Chair of the Provider Advisory Board.

(13) Two principals—1 elementary and 1 secondary—appointed by the Delaware Association of School Administrators.

(d) Terms of appointed members; chairperson.

(1) Each appointed member shall be appointed to serve a term of up to 2 years. Members shall be appointed for staggered terms, so that no more than half of the appointed members' terms expire in any 1 calendar year. Appointed members are eligible for reappointment.

(2) From the members, set forth in paragraphs (c)(2) through (13) of this section, there shall be a chairperson of the subcommittee who shall be appointed by the Governor and shall serve at the pleasure of the Governor. The chairperson shall guide the administration of the subcommittee by supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the subcommittee.

(e) The subcommittee shall issue an annual report to the Governor, General Assembly, and the public on the work of the subcommittee and the status of extended learning opportunities for school-aged children in the State.

(f) The Department of Education will provide administrative and staff support for the subcommittee as part of its responsibility to staff the IRMC.

(g) The IRMC Expanded Learning Opportunities Subcommittee shall follow all rules of § 10002(h) of Title 29 relating to public meetings.

(h) The subcommittee shall hold its initial organizational meeting by October 21, 2019, with the date, time, and place for the meeting to be set by the chairperson of the subcommittee.

(i) The subcommittee shall meet at least monthly.

§ 1704 Number of units in a school district; method of calculation; actual unit count; optional unit count.

The number of units to be used in determining state financial support in each school district shall be calculated by the Department of Education each year in accordance with the procedures specified in this section.

(1) The number of units shall be calculated based upon the total enrollment of pupils in each school district as of the last school day of September. The total number of units by school district so determined shall be known as the "actual unit count." The Department of Education shall annually (after September 30) certify and report the number of units as required in § 1710 of this title.

(2) Each calendar year, the State shall estimate the actual unit count for each school district that will be produced in September of the same calendar year. This estimate of the September unit count shall be completed no later than April 15 of each calendar year. The total number of units by school district so determined shall be known as the "estimated unit count."

(3) With respect to state financial support described in this title that is based upon the actual unit count, Division 1 funding for teachers for each school district based upon the actual unit count derived in any calendar year shall not be less than 98% of the Division 1 funding for teachers that would have been generated by use of that calendar year's estimated unit count.

(4) Each local school board shall allocate Division I units to schools in its district such that as of the last school day of October each school receives not less than 98% of the Division I units it generates as a result of the actual unit count. A local school board may waive this subsection after voting to waive it at a public meeting noticed for that purpose. Any local school board seeking such a waiver shall do so on or before December 1 of each year. Notice for such a meeting shall be placed in the local newspaper for 2 consecutive weeks before the meeting and shall be posted on the door of any school affected for the same time period, and a copy shall be sent to the principal, teacher association building representative, and Parent Teacher Organization/Parent Teacher Association parent leader of any affected school. The notice shall include the procedures for such persons to provide oral or written comments on the proposed waiver to the local school board. Notice of any approved waiver shall be sent to the same persons.

§ 1705 Determination of amount of appropriation.

(a) The funds appropriated to each school district for salaries included in Division I shall be determined in accordance with all applicable state-supported salary schedules. No state funds from Division I shall be appropriated to any school district

to provide salaries for more teachers than shall actually be employed in such school district.

(b) Any school district may employ additional teachers out of state funds appropriated in Division II or Division III as provided in § 1304 of this title.

§ 1705A Maximum student-instructor ratio requirements.

(a) The ratio of students to instructors in any class in kindergarten or grades 1-3 in a Delaware public school shall not exceed 22 students as of the last school day of October. In calculating such ratio, a classroom instructional aide shall count as equal to half a teacher. This subsection shall only apply to a class within which students are instructed in the core academic subjects of English/Language Arts, mathematics, science and social studies.

(b) The Department of Education shall provide technical assistance to any school district seeking assistance in allocating its Division I, Division III, Comprehensive Discipline Program, and local operating funding in such a manner as to accomplish class sizes equal to or lower than those required by this section.

(c) A local school board may waive subsection (a) of this section after voting to waive such subsection at a public meeting noticed for that purpose. Any local school board vote on such a waiver shall occur on or before December 1 of each year. Notice for such a meeting shall be placed in the local newspaper for 2 consecutive weeks before the meeting and shall be posted on the door of any school affected for the same time period, and a copy shall be sent to the principal, teacher association building representative and Parent Teacher Organization/Parent Teacher Association parent leader of any affected school. The notice shall include the procedures for such persons to provide oral or written comments on the proposed waiver to the school board. Notice of any approved waiver shall be sent to the same persons.

(d) The State Auditor shall, in cooperation with the Department of Education, monitor compliance with this section in the audits of the boards of education of the schools district conducted pursuant to § 1504 of this title.

§ 1705B Required reporting regarding maximum student-instructor ratio.

(a) The Department of Education shall collect and report data, on an annual basis, in a uniform manner regarding compliance with the student-instructor ratio set forth in § 1705A(a) of this title by local school districts and charter schools. This data shall include waivers required by the school districts and charter schools, and the disposition thereof.

(b) Local school districts and charter schools shall report the above-referenced compliance data using individual classrooms and schools as the basic units of information.

(c) The above-referenced compliance data shall be reported by December 31 of each calendar year to ensure that such data is available to be considered in the event of a proposed waiver of the maximum class size provisions required under § 1705A(a) of this title.

(d) The compliance data shall be published on the website of the Department of Education as well as that of each school district and each charter school.

§ 1706 Determination of amount of Division II appropriation.

The funds appropriated to each school district for expenses included in Division II shall be determined by providing a sum, which shall be uniform for all school districts throughout the State, for each unit of pupils in such school district provided that the sum allocated during the school year for new and additional units in a school district in which the additional units have no facilities and in which the additional units give a total number of units in excess of the maximum present at any time during the past 5 years may exceed the uniform amount appropriated for expenses included in Division II; such moneys shall be used for the purchase of textbooks, furniture and other classroom equipment.

The first paragraph of this section notwithstanding, the funds appropriated to each district for expenses included in Division II based upon each occupational-vocational unit as defined in § 1703 of this title shall be either 1, 2 or 3 times the amount determined for each non-occupational-vocational unit as designated according to rules and regulations of the Department of Education. At least 90% of the occupational-vocational unit Division II funds, with the exception of Division II-Energy funds, shall be allocated to each school that generates these funds and expended to support the State-approved occupational-vocational courses and programs at that school. Each school district shall establish line item accounts for occupational-vocational Division II funds. These funds are in addition to the regularly generated units and all other financial resources normally allocated to each school. Random audits shall be scheduled and conducted by the State Auditor. The Secretary of Education shall request an annual report from the State Auditor evidencing an audit schedule of 10% of the affected schools.

The second paragraph of this section notwithstanding, local school districts may request a waiver of the 90% requirement subject to the approval of the Executive Director of the Delaware Advisory Council on Career and Vocational Education, the Secretary of Education, and the Controller General. Such waiver requests must be submitted to the Secretary of Education by November 15 of each year. The Secretary of Education shall notify the local school districts as to the disposition of the waiver request no later than January 3 of the following year.

§ 1707 Division III equalization funding.

(a) Any school district which provides funds from local taxation for current operating expenses in excess of basic state appropriations, under Divisions I and II of this chapter, shall be eligible for state funds on a matching basis in accordance with this section.

(b) In the application of the formula, the following definitions shall apply:

(1) "Ability index" means the school district ability divided by the state average ability. In the case of a school district created under the provisions of § 1028(k) of this title, 2 ability indices shall be computed. "Tax district ability index" shall be computed by dividing the tax district ability by the state average ability. "Individual district ability index" shall be computed by dividing the individual district ability by the state average ability.

(2) "Authorized amount" means \$29,650 for fiscal year 2006 and as established in the annual State Budget Appropriation Act thereafter.

(3) "Effort index" means the school district effort divided by the state average effort. The effort index for any school district shall not be greater than 1.00. In the case of a school district created under the provisions of § 1028(k) of this title, 2 effort indices shall be computed. "Tax district effort index" shall be computed by dividing the tax district effort by the state average effort. "Individual district effort index" shall be computed by dividing the individual district effort by the state average effort.

(4) "Local district effort index" applies only to school districts created under the provisions of § 1028(k) of this title and means the lesser of 1 minus the tax district effort index or the individual district effort index, but shall be a number at least equal to zero.

(5) "School district ability" means the total full valuation of all taxable real property within the school district as of July 1 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated, divided by the number of units of pupils, excluding those units in special schools administered by a school district which are supported by a tuition tax, in the public schools of the school district as of September 30 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated. In the case of a vocational-technical school district, the school district ability shall be determined by dividing the total full valuation of all taxable real property located within the vocational-technical school district by the total number of units in the public schools located in the vocational-technical school district's attendance area, excluding those units assigned to special schools as defined herein and those units assigned to the vocational-technical school district, as of September 30 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated. In the case of a school district created under the provisions of § 1028(k) of this title, 2 school district abilities shall be computed. "Tax district ability" shall be computed by dividing the total full valuation of all taxable real property located in the school tax district in the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated, by the number of units of pupils, excluding those units in special schools administered by all school districts in the school tax district, in the public schools of the school tax district as of September 30 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated. "Individual district ability" shall be computed as specified in the first sentence of this paragraph.

(6) "School district current expense revenue" means the product of the school district's current operating expense real estate tax rate times the total assessed valuation as of July 1 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated, plus the product of the school district's capitation tax for current operating expense, times the number of capitations as of July 1 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated. In the case of a school district created under the provisions of § 1028(k) of this title, 2 values for current expense revenues shall be computed. "Tax district current expense revenue" shall be computed by multiplying the current operating expense real estate tax rate for the school tax district by the total assessed valuation of the school tax district as of July 1 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated.

“Individual district current expense revenue” shall be computed as specified in the first sentence of this paragraph.

(7) “School district effort” means the school district’s current expense revenue divided by the school district’s total full valuation as of July 1 in the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated. In the case of a county vocational-technical school district, the school district effort means the school district’s current expense revenue divided by the total number of units of pupils in the district in the year immediately preceding the fiscal year for which Division III funds are appropriated divided by the school district ability. In the case of a school district created under the provisions of § 1028(k) of this title, 2 values of school district effort shall be computed. “Tax district effort” shall be computed by dividing tax district current expense revenue by the total full valuation of taxable property in the school tax district as of July 1 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated. “Individual district effort” shall be computed by dividing individual district current expense revenue by the total full valuation of the school district as of July 1 in the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated.

(8) “State average ability” means the total full valuation of all taxable real property in the State as of July 1 in the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated divided by the total number of units of pupils in the public schools of the State, excluding those units assigned to vocational-technical school districts and those assigned to special schools as defined in paragraph (b)(5) of this section, as of September 30 of the fiscal year immediately preceding the fiscal year for which Division III funds are appropriated.

(9) “State average effort” means the authorized amount times 68.1% divided by the State average ability.

(10) “Total assessed valuation” means the official total assessed value of taxable real property appearing on the assessment rolls of appropriate county governing body or bodies as the case may be.

(11) “Total full valuation” means the total assessed valuation of taxable property divided by the average of the 3 most current assessment to sales price ratios. The Office of Management and Budget shall conduct, in accordance with nationally accepted standards and practices, an assessment to sales price study, by school district, on an annual basis in order to establish the most current ratios and such studies shall be open to public review. Each county is required to make available to the Office of Management and Budget, at the cost of reproduction only, machine-readable copies of its assessment and sales transactions files. In the event a county completes a general reassessment during the period between studies, the county’s assessment to sales price ratio shall be equal to its rate of assessment, until a subsequent assessment to sales price study is completed.

(12) “Units of pupils” means the total number of Division I units as specified in § 1703 of this title.

(c) The formula for determining the sums to be allocated in Division III, to school districts other than those created under the provisions of § 1028(k) of this title, shall

be as provided in this subsection. The State share per unit is equal to the authorized amount times the effort index times the quantity of 1 minus .75 times the ability index; provided, that in no case shall the State share be less than the equivalent of 5% of the authorized amount times the effort index. The State share per unit in any fiscal year shall not be less than 95% or more than 105% of the State share per unit in the preceding fiscal year, except as provided in subsection (e) of this section. In fiscal years 2004 through and including fiscal year 2010, the State share per unit for those districts who are entitled to the formula minimum of 5% of the authorized amount times the effort index shall be 80% of the State share per unit in the preceding fiscal year.

(d) The formula for determining the sums to be allocated in Division III, to school districts created under the provisions of § 1028(k) of this title, shall be provided in this subsection. The State share per unit is equal to the sum of the 2 amounts defined as follows. The "tax district share" is equal to the authorized amount times the tax district effort index times the quantity of 1 minus .75 times the tax district ability index; provided, that in no case shall the tax district share be less than the equivalent of 5% of the authorized amount times the tax district effort index. The "individual district share" is equal to the authorized amount times the local district effort index times the quantity of 1 minus .75 times the individual district ability index; provided, that in no case shall the individual district share be less than the equivalent of 5% of the authorized amount times the individual district ability index. The State share per unit, the sum of the tax district share and the individual district share, in any fiscal year shall not be less than 95% or more than 105% of the State share per unit in the preceding fiscal year, except as provided in subsection (e) of this section.

(e) In the case of a school district with an effort index less than 1.00, or a district created under § 1028(k) of this title where the sum of the tax district effort index and the individual district effort index is less than 1.00, that passes a current expense tax referendum to increase taxes in the fiscal year preceding the fiscal year for which Division III funds are appropriated, the State share per unit shall be determined as provided in this subsection. The State share per unit shall first be computed in accordance with the provisions of subsection (c) or subsection (d) of this section, whichever calculation is appropriate for a particular school district, excluding the 105% provision. The State share per unit shall then be calculated a second time using the appropriate formula from subsection (c) or subsection (d) except that the current expense tax rate or rates for real estate and capitation for the current fiscal year shall replace the rates for the immediately preceding fiscal year throughout the calculation. The 105% maximum provision shall also be excluded in this second calculation. The State share per unit shall be equal to the amount computed in the second calculation; provided, that in no case shall the State share per unit be greater than the State share per unit under the second calculation minus the State share per unit under the first calculation plus 105% of the State share per unit in the preceding fiscal year.

(f) The 95% provision contained in subsection (c) and subsection (d) assumes that a school district does not reduce its current expense revenue by reducing current expense tax rates on real estate or capitations. In the event that a school district does reduce its current expense tax rate or rates, the 95% minimum shall not apply

and the school district shall qualify for a State share per unit based upon the formula in subsection (c) or subsection (d) only.

(g) Total State equalization shall be computed by multiplying the State share per unit times the number of units of pupils enrolled in the school district, the vocational school district, or the special school in the fiscal year for which the Division III funds are appropriated.

(h) Division III funds shall be utilized to supplement funds appropriated under Division I, including legal expenses associated with collective bargaining, and Division II for the purpose of advancing education beyond the level authorized through the basic appropriations in Divisions I and II or through any other state or federal appropriation.

(i) A committee, composed of not less than 10 or more than 15 members, shall be appointed by the Secretary of the Department of Education to annually review and make recommendations on the equalization formula. The committee shall also be empowered to analyze other issues and concerns related to equalization that impact the State's ability to achieve the basic purpose of equalization for Delaware's school districts. The committee shall include at least the following: a representative of the State Board of Education; a representative from the Governor's Office designated by the Governor; at least 1 member each from the House of Representatives and the State Senate designated by the Speaker of the House and the President Pro Tempore of the Senate, respectively; the Secretary of Finance or the Secretary's designee; the Director of the Office of Management and Budget or the Director's designee; the Controller General or the Controller General's designee; a representative of the State Education Association designated by that organization; and at least 3 representatives of the local school districts, 1 from each county.

§ 1708 Form of appropriation.

(a) Appropriations to the Department of Education on behalf of the school districts shall be in an aggregate form and shall be allocated to the districts in accordance with this title and the provisions of the annual Appropriations Act.

(b) In the event that any employee or officer receives a salary from more than 1 of the agencies receiving appropriations according to the form set forth in subsection (a) of this section, the total of such employee's or officer's salary from all such agencies shall be appropriated to the agency paying the principal portion of such salary. In no case shall a salary appropriation be made to more than one agency for the same employee or officer.

(c) The classification of employees and officers into the various categories set forth in Division I of subsection (a) of this section shall be determined by such employee's or officer's classification for salary to be paid under Chapter 13 of this title, except in the case of the Secretary and Deputy Secretary of Education.

§ 1709 Use of appropriation for purpose other than that designated.

No part of any amount appropriated to any district shall be transferred from 1 subdivision of Division I to any other such subdivision of Division I or to Division II, or from Division II to any subdivision of Division I. But nothing contained in this matter shall prohibit the transfer of Division III funds to Division I to comply with §§ 1304, 1705 and 1712 of this title or Division II.

§ 1710 Certification of number of units by Secretary of Education.

The number of units in each school district as calculated under § 1704 of this title shall be certified by the Secretary of Education as soon as such calculations are completed.

§ 1711 Salaries in excess of state supported uniform salary schedules.

Nothing contained in this chapter shall prevent any local school board from paying an additional amount of salary to any employee when such additional amount is derived from local funds or from Division III appropriations.

§ 1712 Transfer of appropriation of closed and consolidated district.

In the case of any closing and consolidation of a school district, the permanent Budget Commission may transfer the unexpended balance, or any part thereof of any appropriation under this chapter for the closed district or districts to the appropriation of the district or districts with which any such closed districts are consolidated.

§ 1713 State School Fund income and General Fund [Repealed].

Repealed by 71 Del. Laws, c. 180, § 107A, effective July 31, 1997.

§ 1714 Acquisition of school sites, Advanced Planning and Real Property Acquisition Fund; purchase; sale; repayment.

The Advanced Planning and Real Property Acquisition Fund authorized by Title 29 and administered by the Budget Commission may be used for the acquisition of school sites in anticipation of the need for construction of new school buildings. From this Fund the Department of Education may purchase in the name of the State upon request from a school district any needed school site or option to purchase such a site. The Department shall make no payments to any school district from the Fund unless either the acquisition of a school site and the approximate cost of the proposed new construction thereon have first been approved by a referendum held among the voters in the school district concerned or, in the event that such a referendum has not been approved, upon presentation from the school district that it otherwise has available sufficient funds to meet local share requirements, as the term "local share" is defined in Chapter 75 of Title 29, of the school district concerned necessary for the school construction project. In the event land is purchased within a school district and no school construction is started thereon within 5 years of such purchase or in the event plans to use the site are abandoned, then the Department of Education may sell the land at a public sale and shall repay the Advanced Planning and Real Property Acquisition Fund and deposit any excess receipts in the General Fund of the State.

When the school district within which such a site has been purchased has sold bonds and deposited construction funds with the State Treasurer in compliance with any school construction act, or when, in the event of construction based entirely upon state funds, the Treasurer has in the Treasurer's command construction funds for such site the Board of Education of the district shall present to the appropriate authorities an invoice against such construction funds of that district payable to the Department of Education for deposit in the Fund and the funds used to purchase the site shall be returned to the Fund.

§ 1715 Unit of pupils for kindergartens [Repealed].

§ 1716 Unit for academic excellence.

(a) "Unit for academic excellence" is defined for funding purposes as 1 unit for each 250 full-time equivalent students in a school district, grades K through 12. Districts shall qualify for partial funding for a fractional part of 250 full-time equivalent pupils enrolled in grades K through 12.

(b) Each student may be counted only once, and for pupils who attend schools in more than 1 district during each school day, the pupil is to be counted in each district for the portion of the school day the pupil is in attendance there. Kindergarten pupils shall be counted as $\frac{1}{2}$ time for purposes of obtaining the full-time equivalent enrollment.

(c) The unit for academic excellence may be used to provide educational services such as, but not limited to, the following: reading, communications skills, mathematics, science, social studies, elementary and secondary counseling, elementary and secondary foreign languages, elementary and secondary performing arts, elementary physical education, elementary music, elementary art, library services, career education in grades 7 and 8, paraprofessional such as service or instructional aides, programs for gifted and talented pupils, career placement counselors, programs for limited English proficient pupils, programs for children at risk as defined by the Department of Education, programs to promote improved school climate and discipline, including, but not limited to, employing intervention specialists and programs to provide additional time for students who are performing below the standard level, including, but not limited to, Saturday academies, extended day and year and summer academies, and educational technology personnel on a district-wide basis. Provided further, a unit for academic excellence may be used to hire a school employed athletic trainer licensed by the Delaware Board of Physical Therapists and Athletic Trainers in a school that is a member of the Delaware Interscholastic Athletic Association and that offers interscholastic contact or collision sports.

(d) Nothing contained in this section shall prohibit a school district from using pupil units provided under § 1703 of this title to employ personnel to provide educational services authorized under subsection (c) of this section; except that a school district shall not be permitted to use pupil units provided under § 1703 of this title to employ a licensed athletic trainer.

(e) The programs authorized under this section shall operate for the number of hours of employment as specified by § 1305 of this title, and personnel employed with funds authorized under this section shall be paid in accordance with § 1305 of this title. Units may be used to fund extended year programs using a formula of 1 unit for each individual employed for the number of hours of employment as specified by § 1305 of this title. School districts are also authorized to employ 2 service paraprofessionals or 2 instructional paraprofessionals for each unit in lieu of 1 person employed under § 1305 of this title, provided that such aides are paid in accordance with the salary schedule contained in § 1324 of this title.

(f) One unit of funding shall include Division I funding for 1 person funded under § 1305 of this title or 2 aides funded under § 1324 of this title, as specified in

subsection (e) of this section plus 1 unit of "Division II — All Other Costs" as contained in the annual Appropriations Act. In addition, beginning with the fiscal year commencing July 1, 1997, any unit that is filled with an employee or employees as described in this subsection, and not taken as a cash option as described in subsection (g) of this section, shall also include 1 Division III Equalization unit amount as defined in § 1707 of this title.

(g) A school district may elect to take a cash option for up to 30 percent of the units to which it is entitled under this section in any fiscal year. Funds spent for extended time programs for children performing below the standard level shall not count against the cash option limit. In such case, the district may use the funds so derived for either Division I or Division II purposes; provided however, that such funds must be used for educational services specified in subsection (c) of this section and may not be used to supplement state salaries authorized in Chapter 13 of this title for any employee. The cash option shall provide \$35,000 per unit.

(h) Any school district wishing to use funds under any of the options set forth in this section shall make application to the Department of Education. Such application shall specify, as a minimum, the types of services to be provided and the use that will be made of the funds authorized by this section.

§ 1716A Related services unit and funding.

(a) "Related services unit" is defined for funding purposes as 1 funding unit for each 57 units of the K-3, 4-12 (regular education) and basic units. For the pre-K-12 intensive the ratio shall be 1 funding unit for each 5.5 units. For the pre-K-12 complex the ratio shall be 1 funding unit for each 3.0 units. Four related services units shall be assigned to support the state-wide deaf-blind program.

(b) Each pupil counted in establishing a unit for children with disabilities may be counted only once in a district. For pupils who attend schools in more than 1 district during each school day, the pupil is to be counted in each school district for the portion of the day that the pupil is in attendance there.

(c) For purposes of this section, "children with disabilities" shall include pupils meeting the definition set forth in Chapter 31 of this title, as further defined according to rules and regulations of the Department with approval of the State Board of Education.

(d) "Related services" shall be special services provided for children with disabilities and shall be defined in rules and regulations of the Department with approval of the State Board of Education. Rules and regulations may include, but are not limited to, such services as speech therapy, occupational therapy, physical therapy, early identification and assessment of disabilities, special counseling services, developmental, corrective or supportive services that may assist a child with a disability to benefit from special education. Medical services provided shall be for diagnostic or evaluation purposes only. Special transportation services provided from this funding shall be only those services unique to a particular disability and shall be services provided during the school program and shall not include transportation to and from school.

(e) Funds appropriated in support of this unit may be used for expenditures under Division I or Division II for the purchase of assistive materials or services from

persons or agencies to be used in support of students with disabilities herein authorized and for no other purpose.

(f) The dollar value of this unit, when applied to the employment of a full-time certified person such as, but not limited to, a teacher, a therapist or a specialist, shall be as provided in this title, but, when applied as herein authorized for other related services, shall be the number of dollars set in the state-supported salary schedule for a teacher holding a master's degree with 10 years of experience and employed for 10 months. The calculation of this funding shall be for the current school year. Expenditures on behalf of this unit when used for the purchase of services shall be up to but not in excess of the amount herein authorized.

(g) Funding authorized by this section shall be used to supplement regular school programs for children with disabilities, and may provide for the assignment of 1060 hours of school attendance and the full work days of employment as described in § 1305 of this title to be assigned during any of the months of a 12-month fiscal year beginning July 1.

(h) Any school district wishing to use funds under any of the options set forth in this section shall make application to the Department of Education for that use; provided, that the State Board may review any objection to the Department's decision. The application shall indicate that these funds are being used to supplement programs in the school district and that their use will not supplant personnel, services, supplies or materials provided from local funding sources.

§§ 1716B-1716D Gifted or talented unit and funding; disruptive pupil referral unit and funding; Education Refinement Program unit and funding [Repealed].

§ 1717 Employment of personnel.

(a) Local school boards of education and the various school building commissions may employ personnel who are paid wholly or in part from federal and/or school construction funds provided that such personnel shall be classified and paid in accordance with the salary schedules set forth in Chapter 13 of this title. In the event any of the aforementioned boards or commissions shall have a uniform local district salary supplement to the salary schedules set forth in said Chapter 13, such board or commission may also pay employees covered by this subsection an additional amount from federal and/or school construction funds not in excess of that set forth in the uniform local district salary supplement.

(b) Personnel employed pursuant to this section shall be covered by Chapter 14 of this title, if such personnel qualify for coverage under § 1403(a). In determining length of service for the purposes of Chapter 14 of this title, employees who heretofore have been excluded from coverage under Chapter 14 of this title shall receive credit for all service to the State and to the current employing school district.

(c) None of the various school boards or school building commissions shall enter into contracts with, or pay, individuals to provide consultant educational or related services from state, federal or school construction funds when such individual is a salaried employee of the public school system of this State. This subsection shall not be construed to prohibit the employment of professional personnel to teach special classes such as night school and a third shift at a vocational school and in-service courses in the same or other districts outside of regularly scheduled school hours.

§ 1718 Matching federal funds.

For the purpose of matching any appropriation made for such educational acts as have been or may be passed by the Congress of the United States, the Department of Education is hereby directed and empowered to prescribe to each of the local school boards of education and to the boards of trustees of the university or college supported by state funds the amount necessary to be allocated by said respective boards to comply with the purpose and intent of said educational acts which require the matching of funds.

§ 1719 Adjustment of appropriations.

In the event that the aggregate appropriations for Division I, II or III, or any other unit-driven appropriation, are insufficient to cover the total number of units certified pursuant to § 1710 of this title, the Department of Education shall transfer sufficient funding from its Growth and Upgrade General Contingency Fund and/or such other sources as the Director of the Office of Management and Budget may approve, to the school districts in order that all duly certified units are adequately funded. The Department retains the authority to require reimbursement of unit-driven funds from districts to the State that are caused by a district's inaccurate reporting of pupil enrollments.

§ 1720 Adult education.

Funds authorized in the Budget Appropriation Bill and subsequently allocated by the Department of Education for James H. Groves High School or adult basic education shall be allocated by the Department to the participating school districts in amounts equal to those approved by the Department of Education in the annual program plans submitted by the participating school districts. Additionally, funding for James H. Groves High School can be used to support the Diploma-at-a-Distance program.

§ 1721 Autistic unit and funding.

(a) Programs for children with autism exceeding 217 pupil days shall be according to rules and regulations of the Department as approved by the State Board of Education.

(b) For funding purposes "autistic unit" for programs in excess of 217 pupil days shall mean 8 persons with autism per unit.

§ 1722 Accounting for textbooks, subject matter materials and other school property entrusted to individual students.

(a) For the purposes of this section:

(1) "Costs" shall be the cost of lost or destroyed textbooks, subject matter materials, supplementary books, instructional computer software and other school property distributed to and entrusted to individual students;

(2) "Responsible person" shall include each student, the parents of each student who have a duty to support the student under § 501 of Title 13 and any guardian who has a duty to support a student.

(b) Each reorganized school district shall adopt a written policy that:

(1) At least annually requires responsible persons to refund to the district their costs;

(2) Sets forth an effective process to collect, at least annually, such costs from the responsible persons; provided however, that the process may permit a student to perform school or community service, at the district's option, in lieu of repaying book costs, if and only if each responsible person's income falls below federal poverty guidelines, as they may be amended from time to time; and further provided, that a student otherwise required to perform such service who refuses to perform such service shall be subject to disciplinary action; and

(3) Provides that local district funds shall cover the cost of all lost or destroyed books which are required to be collected from responsible persons pursuant to a written policy which conforms to this section but are not collected.

(c) [Repealed.]; 71 Del. Laws, c. 180, § 116; 77 Del. Laws, c. 327, § 383.;

§ 1723 Comprehensive school discipline improvement programs.

In addition to the funds appropriated to school districts by other sections of this chapter, school districts shall be eligible to make application to the Department of Education for the development and implementation of school discipline improvement programs as specified in Chapter 16 of this title.

§ 1724 Academic Achievement Awards Pilot Program [Repealed].

§ 1725 Tracking of school district use of unit funds.

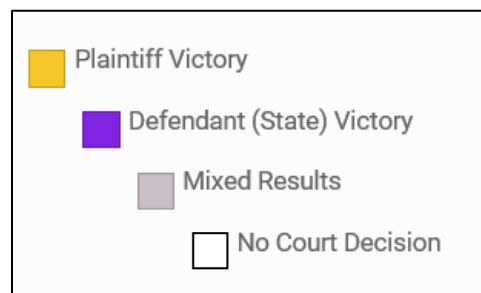
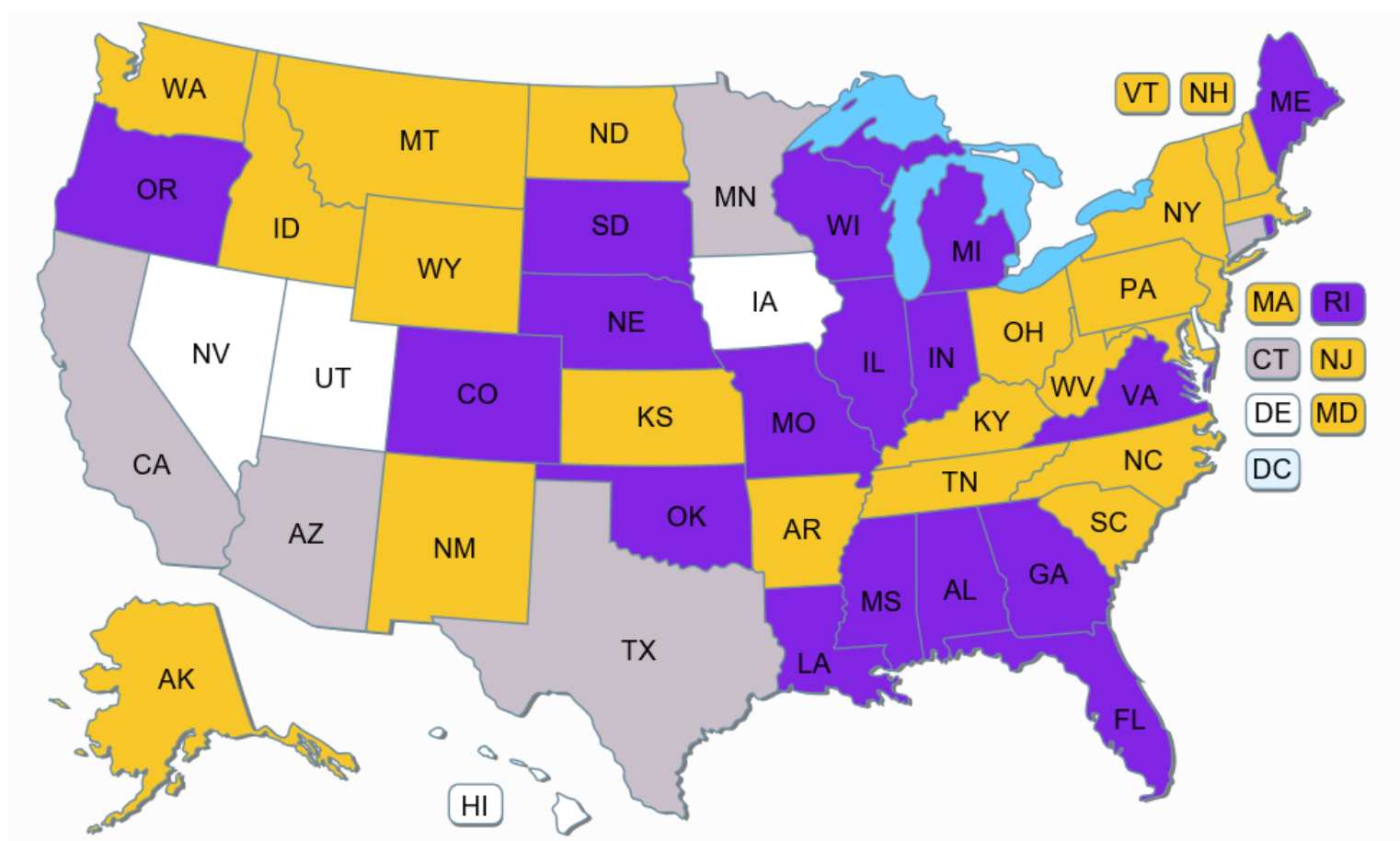
(a) All information received by the Department of Education, or any third party performing work for the Department of Education, relating to the dates on which new teachers are hired by individual school districts shall be posted on the Department of Education's web site.

(b) The Department of Education shall conduct randomized audits to ensure that information provided by school districts relating to the hiring dates of new teachers is accurate and complete.

(c) By August 12, 2011, the Department of Education shall promulgate regulations necessary to ensure that hiring information collected and reported by school districts uses uniform terminology.

(d) By December 31, 2011, the Department of Education shall report to the General Assembly and Governor on the impact of the estimated unit count upon school districts' performance in making earlier contract offers to prospective teachers. To the extent that the Department of Education determines that any districts have not taken proper advantage of the estimated unit count, the Department shall recommend additional steps that should be taken to properly incentivize those districts to make earlier contract offers.

School-Funding Court Decisions by State



The judicial decisions shown on this map are decisions of the state's highest court (or a non-appealed lower-court decision) that state whether or not elementary and high school students in the particular state have a legally enforceable right, under the state's constitution, to "equity" or "adequacy" in school funding. The map does not include follow-up cases or compliance decisions, unless they reverse an initial liability ruling. States are listed as having "mixed results" if the courts have issued multiple decisions regarding these constitutional rights (for example, an "equity" decision favoring the plaintiffs and an "adequacy decision" favoring the defendants).

Summary of School Funding Court Cases (1973-2019)

Plaintiff Victory	State Defendant Victory	No Cases Filed
<u>Alaska</u>	<u>Alabama</u>	<u>Hawaii</u>
<u>Arizona</u>	<u>Arizona</u>	<u>Nevada</u>
<u>Arkansas</u>	<u>California</u>	<u>Utah</u>
<u>California</u>	<u>Colorado</u>	Pending*
<u>Connecticut</u>	<u>Connecticut</u>	
<u>Idaho</u>	<u>Florida</u>	<u>Arizona</u>
<u>Kentucky</u>	<u>Georgia</u>	<u>Arkansas</u>
<u>Maryland</u>	<u>Illinois</u>	<u>Delaware</u>
<u>Massachusetts</u>	<u>Indiana</u>	<u>Maryland</u>
<u>Minnesota</u>	<u>Louisiana</u>	<u>Massachusetts</u>
<u>Montana</u>	<u>Maine</u>	<u>Michigan</u>
<u>New Jersey</u>	<u>Minnesota</u>	<u>New Hampshire</u>
<u>New Mexico</u>	<u>Mississippi</u>	<u>New Jersey</u>
<u>New York</u>	<u>Missouri</u>	<u>New Mexico</u>
<u>North Carolina</u>	<u>Nebraska</u>	<u>New York</u>
<u>North Dakota</u>	<u>Oklahoma</u>	<u>North Carolina</u>
<u>Ohio</u>	<u>Oregon</u>	<u>Pennsylvania</u>
<u>Pennsylvania</u>	<u>South Dakota</u>	<u>Rhode Island</u>
<u>South Carolina</u>	<u>Texas</u>	<u>Tennessee</u>
<u>Tennessee</u>	<u>Virginia</u>	
<u>Texas</u>	<u>Wisconsin</u>	
<u>Vermont</u>		
<u>Washington</u>		
<u>West Virginia</u>		
<u>Wyoming</u>		

*Pending cases generally involve follow-up compliance decisions or proceedings in states where courts have ruled that there is a constitutional right to an adequate education and that the state's current education-finance system is violating that right. The litigation in Iowa constitutes an initial judicial consideration of the constitutional issues. In Pennsylvania, plaintiffs are asking the state supreme court to reconsider its past refusals to enforce a right to an adequate education because of separation of powers reasons. The plaintiffs in Michigan are asking the federal district court to hold that students have a right to fundamental access to literacy under the equal-protection clause of the United States Constitution.

Terry C. Smith Biography from the National Association of Blind Merchants

In 2012, the National Federation of the Blind and NABM wanted to raise the awareness of the Randolph-Sheppard Program and bring a focus to the issues facing blind entrepreneurs. The result was the Blind Entrepreneurs Initiative.

Terry C. Smith, who had served as Director of Tennessee Services for the Blind & Visually Impaired for almost 3 decades was contracted to lead the initiative. Mr. Smith had built what was arguably the best business enterprises program in the country and was a well-respected national leader in the Randolph-Sheppard community. The NFBEI has succeeded beyond anyone's wildest imaginations and today is recognized as one of the most important Randolph-Sheppard initiatives in recent memory.

The NFBEI focuses on 3 areas:

1. Training
2. Technical Assistance
3. Advocacy

The NFBEI considers training as one of its most important services. Speakers are provided for state blind vendor meetings. Terry Smith conducts training for state agency staff and Elected Committees of Blind Vendors. The NFBEI was the impetus behind the partnership with the Hadley School for the Blind which offers training for both current and prospective Randolph-Sheppard entrepreneurs. It has conducted seminars / workshops on relevant topics such as healthy vending.

Terry is also available to offer technical assistance to state agencies. He is frequently called upon by state agencies and blind entrepreneurs for advice and counsel on critical issues. The thing that makes the NFBEI so effective is that Terry has access to so many resources and experts that he can call on for assistance. If it is a legal issue, there are nationally recognized Randolph-Sheppard attorneys at his disposal.

As an advocacy organization, the NFBEI has been effective working with federal entities and educating Congress on issues that affect blind entrepreneurs. It has sponsored fly-ins that focus strictly on Randolph-Sheppard issues and has participated in other fly-ins sponsored by NAMA.

***Delaware Division for the Visually Impaired
Business Enterprises Program***

Program Evaluation Report

Prepared

By

Terry C. Smith

August 17, 2017

INTRODUCTION

Terry Smith contracted with the State of Delaware, Division for the Visually Impaired (DVI), to conduct a program evaluation of the Delaware Business Enterprises Program and to facilitate a strategic planning initiative. Mr. Smith is well qualified to conduct the evaluation having conducted similar evaluations / strategic plans in at least eight other states. He was the Director of Tennessee Services for the Blind for over 28+ years where he built one of the most successful business enterprises programs in the country. He has served in various leadership roles on the national level and for the last 5 and 1/2 years has led the National Federation of the Blind's Entrepreneurs Initiative (NFBEI). As part of his role with the NFBEI, he provides training and technical assistance to thirty-six (36) states who subscribe to the services of the NFBEI. It is this experience upon which he bases many of his conclusions in this report.

Mr. Smith (who is referred to as the "Consultant" in this report) traveled to Delaware and spent the week of June 5, 2017, examining the program. He interviewed the Central Office staff, met with the members of the Committee of Blind Vendors, visited several of the program's vending facilities and talked with the blind licensees who manage those facilities, and spoke with at least one outside interested party. Agency staff members were very cooperative and open. The blind licensees were equally helpful. Mr. Smith also reviewed documents he had requested including the RSA-15, vendor financial reports, program policies, the state "Little Randolph-Sheppard Act, etc.

Observations

The Consultant made a number of observations about the Business Enterprises Program. These observations are offered just for perspective. They do not necessarily denote a weakness or deficiency. They are presented here in random order with no significance in terms of importance.

- The Delaware BEP is the first program the Consultant has evaluated that actually had proof of blindness and citizenship in the file as required by the Randolph-Sheppard Act.
- The Delaware Program is one of the smaller programs in the country with only five blind persons operating vending facilities at the time of the site visit. The RSA-15 Report submitted to the Rehabilitation Services Administration indicated there were six vendors as of September 30, 2016.
- According to the RSA-15 for FY 2016, the average income for Delaware blind vendors was \$27,222. This is less than 50% of the national average.

- Average income per vendor was down in 2016 over \$10,000 which represents a 27% decline.
- Vending machine income on non-federal property is the primary source of funding for the program. The only federal dollars spent were for management services.
- It appears the blind vendors have a positive impression of the BEP Director and the Committee enjoys a positive working relationship with him as well as the Director of DVI.
- The Agency has embraced the concept of active participation as envisioned by the law and the Committee appears to be engaged in most major administrative decisions.
- The vending equipment owned by the Agency appears to be getting older and funds at some point will have to be devoted to replacement of equipment.
- Delaware's blind vendors are not very engaged on the national level and do not appear to have close ties with either consumer organization.
- The VR staff does not necessarily have a positive view of the Business Enterprises Program and make few referrals because of lack of opportunities.
- It is unfortunate that Delaware has no interstate rest areas. Interstate rest areas in most states are a primary source of vending facility opportunities and/or income.
- The BEP established a gift shop at the Smyrna Rest Area (U.S. Highway and not an interstate). The Committee of Blind Vendors opposed the establishment of this location without the vending and it is struggling. The Program continues to try to secure the vending but believes it doesn't have a priority.
- Department of Motor Vehicle locations offer some of the best opportunities for blind vendors in Delaware. In many states, these sites are not as profitable as a result of increased availability of on-line services. The viability of these sites could be threatened if Delaware pursues on-line licensing renewals, etc.
- The Program has launched an innovative pilot project allowing third party food trucks to come on the campus where the office is located.
- The BEP does have 2 Dunkin' Donut locations that are operated by local franchisees. Delaware was the first BEP in the country to establish a Dunkin' Donut site.
- Diversity amongst the blind vendors is somewhat of an issue with no female vendors currently operating a vending facility.
- On the surface, having four full-time staff assigned to supervise only six blind vendors seems excessive. However, when one considers the work they are doing, the positions may be justifiable at least in terms of how the Program is now operated.
- The practice of providing the vending machines to third party subcontractors is somewhat unusual. In most states where third party vendors are utilized, the vending company provides its own equipment.

- In talking with vendors, staff, and others, there was a common theme the Consultant heard. “The Program isn’t what it used to be.” That could mean any number of things but generally wasn’t interpreted to be a positive statement.

Areas for Further Consideration

This section is devoted to discussion of major areas that may require further discussion and consideration. Several of the topics are intertwined and hard to separate in a document like this. There are seven areas the Consultant would like to address.

Third Party Subcontracting – The Delaware Program has evolved into a program that relies almost exclusively on third party contracting. Blind vendors are assigned to the vending facilities but subcontract for the actual day-to-day operation of the business. While this can be viewed as a perfect example of a public / private partnerships, the counter argument is that it is in conflict with the intent of the law. At the center of the debate is whether Randolph-Sheppard is an employment / entrepreneurial program or an income program. The first sentence of the Randolph-Sheppard Act states that the purpose of the Act is to provide blind persons with “remunerative employment.” The definition of the term “employment” is “the condition of having paid work.” The question must be asked as to whether or not Delaware vendors who subcontract their entire operations are working. The perception amongst some is that those vendors are simply drawing a check and adding no value to their operations. This perception is bolstered by the fact most vendors who subcontract readily admit they are not engaged in the day-to-day business and don’t even visit their facilities on a regular basis. One vendor stated that there is what he referred to as a food committee in his building that meets to discuss issues surrounding the food service in the building. The blind vendor doesn’t even attend these meetings. His third party subcontractor does. On one site visit, the Consultant observed that the blind vendor met one of his subcontractors for the first time and had presumably been subcontracting with that individual for more than two years. It is difficult to say a vendor is engaged in the business if he hasn’t even met one of his subcontractors.

The perception of simply drawing a check is further reinforced when one considers the vending. The vendor has no responsibility for the vending or the subcontract. DVI handles the contract and the vendor receives the commission checks. The vendor has no responsibilities. If subcontracting is to be allowed, it should be the vendor’s decision as to whether or not to subcontract and it should be the vendor who selects the subcontractor, negotiates the commission rate, and signs the agreement.

This is not to suggest there is anything inherently wrong with the concept of subcontracting. There is definitely a place for third parties in Randolph-Sheppard.

The best example is when there is a desire for a branded concept in one of the buildings. Dunkin Donuts has found a niche in many government buildings across the country. There are Subways and Einstein Bagels. However, in most of these cases in other states, the blind vendor still has responsibility for the day-to-day operations of a C-Store or vending machines and is only subcontracting a branded portion of the business. Another example would be if a vendor is operating a cafeteria or snack bar and has vending machines added as part of his facility across town or even in an adjoining county. It would make perfect sense to use a third party for all or a portion of the vending.

The real issue here is what role does the blind vendor play? There should be guidelines on what the expectations are for the blind vendor. He should be expected to visit each site on a regularly scheduled basis. He should be talking with the property management contact to discuss issues. When there are issues with a vending machine not functioning properly, it should be the blind vendor taking the call and actively working to resolve issues. How else can he monitor the quality of service being provided by the third party vendor? The vending company should send commission checks directly to the blind vendor. It is the blind vendor who determines what products will be sold and what the prices will be.

The bottom line is that the decision should be a business decision. That decision should not be based on what is easy. The decision should be based on how to make the blind vendor the most money. There should be guidelines on when subcontracting will be allowed and DVI should approve prior to the blind vendor proceeding with a subcontract.

The Consultant is not suggesting that the practice of subcontracting be eliminated immediately. This would not be fair to current vendors who have been subcontracting for years and it would not be fair to the subcontractors. Perhaps, current vendors could be grandfathered in or given a reasonable period of time to transition.

The Consultant fully understands there are benefits from the Agency's perspective to subcontracting. Most notably, there are cost savings related to repair and maintenance of vending machines as this responsibility is passed on to the third party vending company. The company with whom DVI now contracts for vending services is a large franchisee and program staff can take comfort in knowing that the machines are being adequately stocked and serviced. In regards to the food service facilities, there is naturally a level of comfort with individuals or companies that successfully operate other restaurants in the area. With both vending and food prep locations, there is a benefit to the brand or name recognition. These benefits must be weighed against the intent of the program and what is best long-term for the program.

The issue of utilizing third parties will be further discussed below when program growth is discussed.

Recommendation #1 – With the active participation of the Committee of Blind Vendors, guidelines should be developed that outline under what circumstances a blind vendors will be allowed to subcontract or team with a private entity.

Recommendation #2 – With the active participation of the Committee of Blind Vendors, guidelines or a statement of work should be developed that spells out the responsibilities of the blind vendor who subcontracts or teams with a private entity and such guidelines or statement of work should ensure that the blind vendor is actively engaged in the business operation.

Recommendation #3 – Policies should be implemented whereby the blind vendor is responsible for selecting his own teaming partner and executing an agreement.

Employer / Employee Relationship - The Consultant has always had concern about many state business enterprises programs that have come very close to crossing the employer / employee relationship line. Generally speaking, and it is certainly more complex than this, if an entity provides the equipment, sets the hours, and the worker only works for that entity, an employer / employee relationship exists. Many states have come dangerously close to creating such relationships. The Consultant was surprised to learn that the blind vendors in Delaware are actually on the state payroll. The blind vendors will say they are independent business owners just like those in every other state; however, the facts do not support that argument. The mere fact they are provided with a W-2 at the end of the year speaks volumes about the relationship. The Consultant understands the argument that they are state employees for the purposes of fringe benefits only and that the income the vendor actually receives is based on the profits from their vending facilities. However, the source of one's paycheck is not a determining factor when considering whether or not someone is an employee. There are many jobs in the private sector such as commission-based jobs where income varies based upon performance. A car salesman is an employee of the dealership even though his paycheck may vary from pay period to pay period based on performance. In Delaware, BVI even pays unemployment insurance on the vendors and there have apparently been cases in the past where a blind vendor was able to draw unemployment when he was displaced from his vending facility. This would only be possible if he were an employee of the agency. Self-employed individuals are not eligible for unemployment benefits. The bottom line is one cannot choose when they want to be an employee and when they want to be an independent business owner. You are either one or the other and in the view of this Consultant blind vendors in Delaware are clearly employees of the State of Delaware.

So, what's the big deal one might ask? As a practical matter, this poses many problems. For example, if the vendors are state employees, they could be bound by

state procurement policies. They wouldn't have the freedom to choose their subcontractors. There would have to be a competitive process. For the one vendor who does not subcontract, could it be interpreted that he must abide by a competitive process when buying product for his facility? For the vendors, this could pose a serious problem with the Social Security Administration. All five vendors most likely draw SSDI benefits and have utilized unincurred business expenses as a way to reduce income so that their earned income is below SGA. The rules for employees are different than for self-employed persons. The Consultant realizes that vendors have been successful in convincing SSA in the past but it also understood that a couple of vendors are currently being reviewed and their SSDI benefits are in jeopardy. But even if these situations are resolved, people change and when the current SSA staffers who understand the program are gone, interpretation of policy and its application to blind vendors could change. If that happens, a blind vendors could face paying back six figure overpayments.

One point needs to be made clear. There is nothing in the Randolph-Sheppard Act that precludes blind vendors from being treated as employees. However, the Consultant believes that Congress envisioned a program that was oriented more toward entrepreneurship. No other state has their vendors on state payroll. However, there are a few states (most notably Michigan) whereby blind vendors are treated as employees for retirement purposes only. However, the vendors are not on state payroll.

This issue will be touched on further in the next section on vendor reporting.

Vendor Reporting – The process by which vendors report income and receive their pay is a curious one. Delaware is not unique in that the vendors send in a report with all of their income and the SLA pays all bills and returns to the vendor what is left over which is their income. At least three or four other states (Virginia, Georgia, and Missouri for sure) have similar arrangements. Virginia is phasing that practice out effective December 31st of this year. However, those states all use a nominee agency to process the paperwork and pay the bills thus eliminating the issue of the vendors being perceived as state employees. The law allows the SLA to contract with a private nonprofit to perform any and all functions related to the day-to-operation of the vending facility program. That agency is called a nominee agency. The Consultant doesn't particularly like nominee agencies as being used by most states and it is only mentioned here to distinguish between Delaware and other states. In those other states, unemployment isn't paid on the vendor nor do they do withholdings such as income taxes or Social Security. They do for the facility employees but not the vendors.

This system was popular in the 1950's and even into the 1960's but has long since been abandoned by the vast majority of states. Today, most states treat the vendors more like sole proprietors. The vendors pay all expenses associated with the business including payroll, withholdings, unemployment, workers comp, sales taxes, pest control, liability insurance, etc. They submit a monthly report that details sales

and profits and they include their set aside payment. With only five blind vendors, the Delaware SLA would probably require less than an hour of an employee's time each month to process the reports and payments. Contrast this to the cumbersome process now in place and the man hours required. Furthermore, this approach strips the blind vendor of any independence and promotes exactly the opposite impression of the abilities of blind people than agencies serving the blind should want. It is a very custodial approach which will be discussed in more detail in this report's Conclusion.

The Consultant has encountered state agency staff from the other few states that utilize this approach and they are fearful of change. They say, "What happens if they don't pay their taxes?" The answer is simple. They get in trouble just like any other business owner would. The SLA does not have an obligation to protect vendors from themselves.

The Consultant is aware that some blind vendors may prefer the security that this sort of system offers. When another state made the decision to move away from this system, there was a small pocket of vendors who resisted vehemently. However, there is a reason that 45 or so states use a system that fosters greater independence amongst the blind vendors.

Recommendation #4 – The current system of reporting should be changed to one whereby the blind vendor is treated as an independent businessperson and pays all of his own business expenses.

Growth – Growth or the lack thereof is an issue in most states. Blind vendors generally want to see more growth and more opportunities. They want the opportunity to move up or increase their earnings at their current vending facilities. Delaware is no exception. The major obstacle to growth is the lack of large federal installations. There simply is not a large federal presence in Delaware thus opportunities to establish vending facilities on federal properties is limited. The one exception is Dover Air Force Base. The troop-dining contract is not available there as the contract is held by an AbilityOne agency and, therefore, is not open for other potential contractors including the SLA. However, the Randolph-Sheppard priority still applies to vending, snack bars, etc. on that base. In fact, the Air Force has an obligation to allow the SLA to establish a vending facility in every building constructed or renovated since January 2, 1975. The SLA should pursue such locations with the understanding the Air Force will resist. The SLA will need to be prepared to go to federal arbitration. The states of Kentucky and Florida have both recently filed for arbitration over this issue. The Consultant is available to assist with an effort to reach out to the Air Force. The same is true for the VA Hospital. The VA has the same obligation but they will resist even more than the Air Force but if the SLA challenges them, the SLA will likely win. Oregon recently prevailed in a case against the VA and Minnesota recently filed.

There are potential sites on state property that could be potential locations for excellent vending facilities. Efforts on state property have been somewhat hindered by a rather weak Mini Randolph-Sheppard Act (Title 16) and further weakened by interpretations of that act. For example, in many states, prisons offer some of the best opportunities in the state. There is a question as to whether or not the blind vendor priority applies to prisons. The Consultant was told there is an opinion that states prisons are not covered. A copy of that opinion was supposed to be provided to the Consultant but was not. Based on the plain language of the Act, the Consultant doesn't understand the rationale for such an opinion but concedes there could be other statutes in place that exempt prisons. At first reading, the Act appears to be weak because it extends a priority only to public office buildings. This would suggest that a prison for example is not an office building and is therefore not covered by the Act. However, in this case, the words "public office buildings" are not as important as the definition. Section 9602(5) defines what the word means and it says it means "any building owned or leased by the State used for governmental purposes." It is clear that a prison is used for governmental purposes; therefore, barring statutory language elsewhere in the code, one could argue the priority applies. This argument is further bolstered by the fact the Act specially exempts multiple other entities but not the Department of Corrections. Are there other state entities not specifically exempted that aren't technically office buildings but are used for governmental purposes where the priority might be exerted?

Nonetheless, the Act is still relatively weak. There is a long list of exemptions including higher education and local governments. This can only be fixed by amending the law. In all likelihood, DVI cannot initiate this, as it is part of the Executive branch. The vendor and blindness communities would have to take the lead. There appears to have been little inclination to do this in the past but it is absolutely necessary if opportunities are to be increased. The Oregon blind vendors recently achieved this so it isn't impossible.

A word of caution is in order here. It would be very difficult to convince a legislative body to change the law and give priority to the blind if the blind are simply going to third party out the service. Canteen presumably operates the vending at the prisons. The prisons presumably receive a commission. If the SLA got the vending at the prisons today, Canteen would in all likelihood remain the service provider. The only difference is the blind vendor would get the commission check rather than the prison. The argument would have to be made that sending the check to one blind person is better public policy than the prison getting the money and using it for inmates. That, in the opinion of the Consultant, is a losing argument. The third party issue would have to be changed before there is any attempt to change the law.

Before leaving the area of growth, it is an undeniable fact that opportunities on government properties are shrinking. Workforces are being reduced in size and there is a greater emphasis on telecommuting. Both result in fewer customers for blind vendors. If BEP's in this country expect to grow, they must look to the private sector and new innovations. There are at least a couple of states that are doing a

good job of creating opportunities in the private sector. Two of these states will be highlighted at the BLAST Conference in Nashville in September. Delaware needs to consider ways it can create opportunities in the private sector. It has looked at food trucks in the past and these are still a viable option. It is understood that cost can be a deterrent but DVI doesn't use set aside as matching dollars so it is conceivable federal VR dollars could be drawn down at re-allotment for such purposes.

Recommendation #5 – The SLA should contact Dover Air Force Base and formally request to do a site visit and do a survey to determine if there are potential suitable sites for a vending facility to be operated by a blind vendor.

Recommendation #6 - The SLA should contact the VA Hospital and formally request to do a site visit and do a survey to determine if there are potential suitable sites for a vending facility to be operated by a blind vendor.

Recommendation #7 – The SLA should reach out to the Delaware Department of Corrections and exert its priority for the vending in the visitation areas and employee break rooms.

Recommendation #8 – The blind vendors should work with the consumer groups to try to get the state law amended so that the priority can be extended to entities now exempt.

Recommendation #9 – The SLA and Committee of Blind Vendors should conduct research and develop strategies to develop new opportunities for blind vendors in the private sector.

Recommendation #10 – The SLA should explore the possibility of using vendor set aside and vending machine income as match to draw down federal dollars to use for program expansion such as food trucks or buying new equipment.

Training / Credit Score - This is an area that the BEP Director has been working on and has made significant progress. Like approximately two dozen other states, DVI utilizes the Hadley Institute for the Blind and Visually Impaired on-line training as the core curriculum. The BEP Director has developed training on local rules and policies and has an on-the-job training outline. Hadley has an OJT outline that was developed to reinforce the Hadley curriculum. It is not known if that outline was reviewed or considered before the current one was developed. However, there is apparently a great deal of miscommunication with VR staff who are confused about the process. VR staff expressed a great deal of frustration. They claimed they didn't understand the process or the minimum qualifications. They were very much opposed to the requirement that a potential trainee had to have a credit score of 650. They argued that eliminated some good candidates and it is unfair to penalize

someone who is unemployed for having less than ideal credit. There also appears to be issues with trainees getting into the program without the necessary independent living skills.

Two issues will be addressed here. First, the Consultant believes the credit score requirement is not appropriate nor is it legal. The rationale for the policy is sound. The Program does not want people in the Program who don't know how to handle money. That can potentially lead to problems once they have access to dollars from their vending locations. However, the Consultant is confident that RSA will disallow such a policy. Licensing or facility assignments cannot be based on financial ability. This policy should be revised.

The lack of clear standards in regards to independent living skills is also problematic. To be successful, individuals must be able to travel independently, have some ability to communicate in writing, possess the skills necessary to take care of their daily needs including grooming, demonstrate a minimum level of computer skills, etc. Allowing people into the Program that do not have these skills is a recipe for failure.

Recommendation #11 – The BEP Director should obtain a copy of Hadley's OJT outline to compare to the one recently developed and make revisions as appropriate.

Recommendation #12 – The policy related to the minimum credit score requirement should be revised.

Recommendation #13 – The SLA, with the active participation of the Committee of Blind Vendors, should develop clear guidelines on independent living skills required for entry into the program.

Use of Federal Dollars – The Consultant noted two areas where federal dollars may have been used inappropriately. Federal dollars are used in the Delaware BEP to fund management services which include the salaries of staff. There are three instances when the expenditure of federal dollars could be questioned. First, BEP staff have routinely been called upon to actually run vending facilities for an extended period of time when a blind vendor was not available. Del Tech is an example. Federal dollars cannot be used for ongoing costs associated with operating a vending facility. This would include paying rent, utilities, pest control, employees, etc. If BEP staff were running a vending facility, they should have been paid for that portion of their time from the vending facility profits and not federal dollars. Likewise, there is a question as to whether the employees at the Smyrna rest area are being paid with federal dollars. Different rules may apply if those individuals are there in training. And finally, the time spent by fiscal staff doing work that is related to the day-to-day operation of the vending facility is not eligible for federal matching dollars. For example, the time spent doing the blind vendor's payroll and paying other operational costs are ineligible for federal participation.

Recommendation #14 – The SLA should ensure that no federal dollars are used to pay for ongoing operational costs of the vending facilities.

Outside Influence – Blind vendors and staff alike complained about outside influences that have politicized the Program. There is a feeling that these influences have usurped the role of the Committee of Blind Vendors. There is a feeling that too much time is being spent on issues that are driven by someone else's agenda. One example is the establishment of the facility as the Smyrna rest area. This idea was allegedly pushed by someone on the outside and it was opposed by the Committee. However, the Agency proceeded with the establishment of the facility. The result was the creation of a facility that offers little potential for a blind vendor and has been a financial drain on the Program. One might argue it was a good idea but just poor execution by DVI; however, the Consultant doesn't see any way that could ever be a viable site with the restrictions on products that can be sold and no vending.

Outside influences and politics are a fact of life so there is little need to address that to a large extent. However, it should be noted that the SLA is charged with the responsibility of working with the Committee of Blind Vendors and to allow it to actively participate in major administrative decisions. No other entity or individual can assume that role.

Conclusion

In conclusion, the Consultant believes the SLA leadership genuinely wants to see program improvements. They want a program of which they can be proud. Earlier, the custodial nature of the program was noted. Generally speaking, such programs can be traced back to a philosophy that does not truly believe in the abilities of blind people. They don't trust them to pay their bills. They don't trust them to fill their vending machines. They don't trust them to provide high quality food in a cafeteria. They instead trust the sighted subcontractors. This can be rather disheartening. However, the Consultant does not believe this to be the case with the BVI staff. In fact, it could be argued they have more confidence in the blind people than the blind people have in themselves. During the on-site visit, there was every indication that the staff wants the blind vendors to be as independent as possible. That is a major step forward in terms of reforming the Program and they are to be commended for that.

As noted earlier, this report reflects one man's perspective. Opposing opinions are not necessarily wrong. It is hoped that the report will stimulate thought and discussion. The desire is that it can be used as a vehicle for change. In the coming weeks, a strategic planning session will be scheduled. At that time, some of the recommendations in this report can be considered and used as the basis of a goal or strategy. Others can be discarded and that is okay. The idea is to develop a strategic

plan that reflects the consensus views of everyone and one that will improve the Delaware BEP. The Consultant looks forward to being part of that process.

Strategic Plan Report

Delaware Business Enterprises

Prepared by
Terry C Smith

October 4, 2017

Introduction

Representatives of the Blind Vendors Committee, Delaware Business Enterprise staff, and the Director and Deputy Director of Services for the Blind & Visually Impaired met with the Consultant in New Castle on September 28 and 29 2017, to develop a strategic plan for the Business Enterprises Program. The group went through a number of exercises. Consensus was reached on everything contained in this report.

During the first day, the group developed a vision statement; identified strengths and weaknesses, created program priorities, identified barriers to addressing the priorities, and began the process of developing goals and strategies. On Day 2, the group continued to work on goals and strategies.

Rules of Engagement

Prior to beginning the exercises, the group adopted the Rules of Engagement listed below as a guide for their interaction with each other. The participants agreed to these Rules of Engagement. The Rules of Engagement are as follows:.

- 1) **Honesty**--participants are to be honest in their comments and feedback during this process.
- 2) **Respect**--all participants will show mutual respect for each other and employ the "Golden Rule" of treating each other in the way they would like to be treated.
- 3) **Non-personal**--comments are not to be personal in nature and should instead be issue oriented.
- 4) **Constructive**--all comments should be constructive in nature in a way that enhances the process.
- 5) **Focused**--all participants will remain focused on the issue being discussed and not bring into discussion unrelated topics.
- 6) **Confidential**--any discussions of confidential matters are not to be discussed beyond the Committee and Agency staff

Our Vision

To be a consumer driven, progressive, and nationally renowned entrepreneurial program for the blind focused on the needs and desires of the customers.

Strengths

Following are the identified strengths of the Delaware BEP:

- Relationship between BVC/SLA
- Commitment to true Active Participation by both the BVC and SLA
- Size of the program (Advantages to being small)
- Family atmosphere
- Upward Mobility training
- Commitment to quality training for new operators
- Willingness to evolve
- Relationship with private vending/food service purveyors
- Commitment to quality customer service
- Randolph-Sheppard Act
- NFBEI
- SLA responsiveness
- Involvement and commitment by BVI Director and Deputy Director
- NCSAB
- Hadley Institute for the Blind and Visually Impaired
- Access to National Resources (Terry Smith, etc.)
- Recognize our weaknesses
- BEP Director's personal commitment to program excellence
- Lack of turnover and experience amongst operators
- Age of operators (Younger than most BEP's)

Weaknesses

Following are the identified weaknesses of the Delaware BEP:

- Cumbersome Reporting Process
- Total reliance on third parties
- Outside influences
- Little Randolph-Sheppard Act
- Reluctance by VR staff to refer potential operators due to lack of education
- Lack of opportunities/no sites available for the new operators
- Lack of outreach to and interest from younger blind people
- Resources (People and money)
- No availability of federal VR dollars
- Lack of RSA support
- No clear job description for staff
- Loss of administrative support position
- No plan for growth
- No marketing plan
- Lack of knowledge and understanding by legislators
- Lack of advocacy initiatives
- Lack of political involvement by operators
- Income level of operators (less than 50% of national average)
- Lack of use of technology in vending
- Age of equipment
- No interstate rest areas
- Lack of diversity (no females)
- Reliance on government locations
- Open meeting requirements
- Vendor information is public
- No micromarkets
- Requirement to pay commissions at some sites
- Ongoing issues with SSDI
- Low expectations for Operators
- SLA requirement for state procurement on third party contracts
- Conflict with SECC
- Lack of support from Legal

Program Priorities

The group identifies six priorities for the BEP. They are ranked in order of importance. The program priorities are as follows:

- 1) Growth - Expand number of locations
- 2) Increase number of operators
- 3) Increase income of current operators
- 4) Upgrade vending (technology, micromarkets, and replacement)
- 5) Improve advocacy and political involvement
- 6) Change reporting

Barriers

The group identified the following as potential barriers to being able to address the priorities and achieve strategic goals:

- Resources – Need money to expand
- Political push back
- Resistance from state entities
- Lack of legal support
- No dispute resolutions mechanism with state entities

Goals

Goal #1 - Increase number of vending facilities

- A. The BVC will work with the NFBEI to draft a new Little Randolph-Sheppard Act and work with consumer groups to get it introduced and passed
- B. Explore private sector opportunities in non-Federal services
- C. Establish as a vending facility a commissary for food trucks
- D. Reach out to the Department of Corrections to explore opportunities for vending and inmate commissaries
- E. Contact the VA Hospital, do a survey, and exert priority to establish a vending facility
- F. Contact Dover Air Force Base and do a survey, and exert priority to establish at least one vending facility on that base and determine whether or not the BEP is entitled to unassigned vending
- G. File for arbitration to enforce the law when federal entities do not comply with the Randolph-Sheppard. Act

Goal #2 - Increase the number of operators to 10 within next 5 years

- A. Develop marketing and education plan(s) aimed at both potential sites and potential new operators
- B. Educate VR staff about the BEP in an effort to generate more referrals

Goal #3 - Maintain all current operators and increase income to the extent practicable

- A. Add annex locations to existing operators to increase income when feasible
- B. Increase the percentage of commissions from 3rd part
- C. Develop policy that requires operators of future new vending facilities to self operate the majority of the business

Goal #4 - Change the Little Randolph-Sheppard Act during the next legislative cycle (Jan – June 2019)

- A. Connect with legislators to find sponsors
- B. Educate the public, blind community, legislators, and other groups (Governors Advisory Council, VRAC, NFB, Blind Sight, Lions Clubs, Employment First)
- C. The BVC will identify a lobbyist to assist in the effort to amend the law

- D. Draft the new law to expand entities covered

Goal #5 - Outreach and Educate the Public in general

- A. Create new brochures
- B. Create new promotional products
- C. Speak to various groups and organizations
- D. Get on a local radio program
- E. Develop public service announcements
- F. Create a website
- G. Use Social media (Facebook, Twitter, etc.)

Goal #6 - Modernize Operations

- A. Utilize emerging technology on vending and other equipment
- B. Diversify products to include non-food items
- C. Develop a long-term budget to replace older equipment
- D. SLA and individual operator will access the businesses to determine poor performing sites and relocate equipment as appropriate
- E. Put signage on all machines that include contact information for the operator rather than SLA
- F. Work with 3rd party vendor to identify potential sites for micromarkets
- G. As new opportunities become available, evaluate to determine appropriateness of a micromarket

Goal #7 - Create a system whereby operators are treated as independent entrepreneurs

- A. Develop policy whereby operators file monthly reports and submit only set aside payments and pay their own expenses
- B. Explore how operators can remain on state retirement without current cumbersome process
- C. Create policy whereby operators can negotiate their own 3rd party contracts and teaming arrangements
- D. Review and revise all operating agreements
- E. Streamline paperwork for BEP staff



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION

Daniel M. Madrid, Director
Division for the Visually Impaired
Department of Health and Social Services
1901 N. Dupont Highway
Biggs Building
New Castle, DE 19720

JAN 05 2016

COMMISSIONER

Re: Request for approval of revised Rules and Regulations for the Randolph-Sheppard Vending Facility Program administered by the Delaware Division for the Visually Impaired

Dear Mr. Madrid:

This letter acknowledges receipt of your communication on behalf of the Delaware Division for the Visually Impaired, the State Licensing Agency (SLA) under the Randolph-Sheppard Act, to revise its rules and regulations for the Delaware Randolph-Sheppard vending facility program under the Act.

The Rehabilitation Service Administration (RSA) has reviewed the revised rules and regulations and we have determined that they are in compliance with the Act, 20 USC 107 et seq. and implementing regulations, 34 CFR 395. We approve the Delaware's rules and regulations as submitted. It is noted that the Elected Committee of Blind Vendors actively participated in formulating these revised rules and regulations and approved the change. Vendors in the Randolph-Sheppard vending facility program should be provided copies of the new revised rules and regulations in an accessible format.

Thank you for your cooperation. If we can be of further assistance, the person on my staff to contact is Mary Yang, Program Specialist. She can be contacted at (202) 245-6327 or email at mary.yang@ed.gov.

Sincerely,

Janet L. LaBreck

Enclosures

Delaware Business Enterprise Program Policies and Procedures

**Approved by the U.S. Department of Education, Rehabilitation Services Administration
Effective 1/5/16**

Table of Contents

Active Participation_____	pg.	2
Recruitment/Enrollment/Training_____	pg.	3-5
BEP Distribution Policy Document_____	pg.	6-7
Grievance Policy_____	pg.	8-10
Setting Aside of Funds _____	pg.	11-12

Active Participation

Whereas, section 395.14 (b) (1) of the Federal Code of Regulations pertaining to the Randolph-Sheppard Act provides that the state licensing agency ensures that the State Committee of Blind Vendors (BVC) maintain responsibility for active participation with the state licensing agency in major administrative decisions and program development affecting the overall administration of the state's vending facility program.

Whereas, the Delaware state licensing agency (SLA) has proposed the following definitions which are necessary to allow the agency to adopt rules for the administration of the program and operate it in accordance with the Randolph-Sheppard Act:

- The Delaware BVC shall represent all licensed vendors to the state licensing agency in matters contained in the Act, state rules and regulations, and all program policies, implementing regulations. The Delaware BVC shall actively participate in the development and administration of the State system for the transfer and promotion of blind vendors. The Delaware BVC shall actively participate with the SLA in the development of training and retraining programs for blind vendors, and sponsor, with assistance of the State licensing agency, meetings and instructional conferences for blind vendors within the State.
- "Active participation" is defined as routine consultation (at least annually, or as program, policy, and/or training changes are proposed by the agency) between the SLA and BVC in the process of good faith negotiating on all matters affecting the Delaware Business Enterprises Program. "Active participation" consists of the director of the business enterprises program and the elected committee of the BVC routinely meeting to formulate policy decisions, changes of policy, in all decisions that will expand or contract the program, in allocation of funding, and in any other matter that will affect individual vendors, collective vendors, and/or the program as a whole.

Whereas, be it resolved that the state licensing agency endorses and requires all agency staff and licensed vendors administering the Randolph-Sheppard vending program to utilize this definition of active participation.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Recruitment/Enrollment/Training of BEP Vendors

PURPOSE/SCOPE

To establish consistent procedures for recruiting, enrolling, and training blind individuals to serve as vendors of vending facilities on federal, state, and other properties.

PROCEDURES

1. Recruitment and Enrollment

The path for an individual who is blind to become a BEP licensed vendor begins with the Vocational Rehabilitation (VR) Counselor. The Division for the Visually Impaired recommends that individuals go through the VR Program to be referred to BEP. The BEP Director shall review potential candidates and communicate with the VR Counselors and clients to ensure the referral is an appropriate candidate for BEP.

The VR Counselors make referrals of qualified clients who are interested in careers as BEP licensed blind vendors to the BEP Director. The minimum criteria for referral are:

- Certified as legally blind by an ophthalmologist or optometrist
 1. Not more than 20/200 central visual acuity in the better eye with corrective lens;
 2. An equally disabling loss of vision, as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.
- Minimum 18 years of age (internships may begin as early as age 16);
- Credit check (Equifax, Experian, or Transunion accepted) to assure no prior defaults, bankruptcies or significant outstanding debts that would prevent the potential vendor from operating a business;
- A standardized interview with the VR counselor, an SLA representative, and two licensed blind vendors;
- Demonstrated 8th grade math and reading levels as evidenced by results of standardized assessment results. If an individual does not meet these academic performance levels a meeting with the Division's Vocational Rehabilitation Unit will be scheduled to determine if remediation would be available to a potential candidate. A waiting period of six-months is required prior to reassessment;
- Review of psychological, medical, and vocational evaluations with VR Counselor, as well as a state and federal criminal background check with no confirmed felonies that would prohibit placement into an State Licensing Agency (SLA) established facility;
- Ability to perform the physical requirements of operating a BEP facility (reasonable accommodations apply);
- TB testing with confirmed negative results.

In addition to the above, the client shall be subject to a reference check and registry review as indicated below:

[NSOPW](#) (National Sex Offender Registry Base)

<https://pubsrv.deljjs.delaware.gov/WantedPublic/> (Delaware Criminal Justice Information System-Wanted Person Review).

<http://dhss.delaware.gov/dhss/dltcrp/Default.aspx> (DHSS Adult Abuse Registry Check)

3. Training

Training is an on-going process divided into three phases; classroom, on-the-job training (OJT), and post training.

A. Classroom Training

Once the candidate successfully completes the recruitment and enrollment phases as outlined above, the BEP Director shall coordinates dates with the VR Counselor and client for the client to begin the Vendor training program through the Hadley School for the Blind (www.hadley.edu). This training prepares the client to work in a BEP established environment and learn more about the program including an in depth understanding of the Randolph Sheppard Act, BEP Regulations, recordkeeping, and other relevant business management practices. BEP may also accept proof of transcript of a business or related degree from an accredited four year institution of higher education in lieu of Hadley School for the Blind Training.

- Certification in ServSafe, a nationally recognized food safety course. The Hadley School for the Blind only prepares the student to take the Serv-Safe certification at a local facility, they do not provide the Serv-Safe certification directly through Hadley.

B. On-The Job Training (OJT)

OJT shall be accomplished through a minimum of 12-weeks of training funded at minimum wage rate at a set number of hours per week established in coordination with the VR program. OJT may begin after successful demonstration of completion of eight (8) out of eleven (11) of the Hadley School for the Blind modules or provide proof of transcript of a business or related degree from an accredited institution as outlined above.

- The BEP Director shall be engaged in the training of the following demonstrated skills and proficiencies with accommodations in place for the candidate in order to develop the candidate's skill set as a BEP operator during OJT:
 1. Independent orientation and mobility
 2. Accurate coin and bill identification with a bill reader
 3. Making change with a change maker
 4. Working independently
 5. Communicating effectively

6. Physical stamina

During this time frame monthly reports and meetings will be conducted with the VR counselor and candidate. In addition, during the 12-week OJT timeframe, the trainee shall learn valuable customer service skills directly from experienced licensed blind vendors or the SLA staff who operate businesses.

After successfully completing the classroom and OJT training as well as probationary status, the trainee moves from being a “trainee” to being a certified “licensee candidate”, who is now eligible to apply to operate a vacant BEP location. If the trainee is unsuccessful, the BEP Director may extend the probationary period for an additional three (3) months in agreement with the VR counselor.

C. Post Training

This process begins after licensee-candidate certification and includes:

- Obtainment of a Federal Employee Identification Number (EIN) and business registration with the State of Delaware Prothonotary’s Office.
- Establishment of a business bank account.
- Application/bid procedure for a vacant location;
- A minimum one-year “working test” under Licensee status, with the provisional vendor and SLA adhering to a mutually signed agreement of responsibilities. A provisional vendor shall practice every facet of small business operation: inventory, cash handling safeguards and procedures, acceptable accounting practices, hiring/terminating employees, payroll, purchasing, customer service, and maintenance of equipment.
- Licensed Blind Vendor status is obtained after the successful completion of the one-year probationary period.
- The SLA, in coordination with the Vocational Rehabilitation Unit, shall provide upward mobility training to licensees on a continuous basis, as per the Federal Regulations, 395.11.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Distribution of the Delaware Business Enterprise Program Financial Statements Pursuant to Requirements of Randolph-Sheppard

PURPOSE/SCOPE

Section 395.12 of Title 34 of the Code of Federal Regulations (34 C.F.R. § 395.12 – Access to Program and Financial Information) requires that each blind licensee under the BEP program be provided access to all financial data of the state licensing agency relevant to the operation of the state vending facility program, including quarterly and annual financial reports, provided that such disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information. Insofar as practicable, such data shall be made available in Braille, large print, and electronic formats. At the request of a blind licensee a fiscal agency staff shall arrange a convenient time to assist in the interpretation of such financial data.

Delaware Business Enterprise Program shall afford each vending facility blind licensee will be provided access to all program and financial data of the Delaware Division for the Visually Impaired relevant to operation of the vending facility program, including quarterly and annual financial reports.

PROCEDURES

The Delaware Division for the Visually Impaired is designated as the State Licensing Agency (SLA) and in that capacity prepares the following two reports that contain financial data pertaining to the vending facility program.

1. U.S. Department of Education Rehabilitation Service Administration Form RSA 15 titled "Report of Vending Facility Program."
2. Delaware Business enterprise Program profit and loss statements of the vending facility program.
3. Delaware Business Enterprise Program monthly bank statements and reconciliation statements

The reports shall be distributed as follows:

TITLE OF RECIPIENT	DISTRIBUTION
COMMISSIONER, RSA	full disclosure (as requested only)
Secretary Health & Social Services or designee	full disclosure (as requested only)
Director, DVI, or designee	full disclosure
Deputy Director, DVI, or designee	full disclosure
Senior Fiscal Administrative Officer, DVI	full disclosure
Fiscal Administrative Officer, DVI	full disclosure
Senior Accountant, DVI	full disclosure

BEP Director, DVI	full disclosure
BEP Vendors, DVI	full disclosure (vendor names removed)
Facility Management	as specified in contract/agreement
Governor's Advisory Council for the Blind:	full disclosure (as requested only with vendor names removed)

The BEP Fiscal Unit shall be responsible for ensuring that the above parties receive a copy of the Delaware Business Enterprise Program profit and loss statements according to the disclosures stated above.

All parties in receipt of any financial data on the Delaware Business Enterprise Program vending facility program shall keep such information in a secured place to protect that such disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information.

Any parties not identified in this policy as a recipient of financial data on the Delaware Business Enterprise Program shall be required to submit a request for any confidential information through the BEP Director consistent with the Freedom of Information Act (FOIA). Upon receipt of such request the BEP Director will notify the DVI Director, and members of the vendors BVC of such request. The BEP Director or DVI Director may forward requests received to the Delaware Department of Health & Social Services Communication Director for further guidance in processing of a FOIA request.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Business Enterprise Program (BEP) Grievance Policy

PURPOSE/SCOPE

To establish consistent and clear defined procedures for licensed BEP Vendors to file a complaint with action taken by the Division for the Visually Impaired, Business Enterprise Program arising from the operation or administration of the vending facility program.

This policy applies to all licensed BEP vendors and the Delaware State Licensing Agency (SLA).

The Federal Code of Regulations Part - 395.13 requires the state licensing agency to specify in writing and maintain procedures whereby such agency affords an opportunity for a full evidentiary hearing to each blind vendor. In addition to 395.14 (b), (2) whereas the state BVC of blind vendors may receive and transmit to the state licensing agency grievances at the request of blind vendors and serve as advocates for such vendors in connection with such grievances.

PROCEDURES

1. INITIAL REVIEW

- (A) A licensed vendor or his/her designated representative, or the elected Blind Committee of Vendors (BVC) shall be afforded the opportunity to file a grievance if they are dissatisfied with action taken by the Division for the Visually Impaired, Business enterprise Program arising from the operation or administration of the vending facility program.
- (B) The licensed vendor or his/her designated representative shall send his/her complaint in writing to the Business Enterprise Program Director and elected BVC of blind vendors within (15) calendar days of the action giving rise to the complaint. The complaint shall specify the action being grieved.
- (C) The elected BVC after reviewing the complaint shall contact the licensed vendor to receive consent of the licensed vendor to advocate on their behalf to the Division for the Visually Impaired Business enterprise Program Director by indicating whether or not the BVC supports the licensed vendor's complaint, and advise the Business enterprise Program Director with a recommendation for its resolution with a copy to the grievant.
- (D) The recommended resolution by the BVC shall be sent to the Business Enterprise Program Director and the grievant within (10) calendar days of receipt of the notice of complaint.
- (E) The Business Enterprise Program Director shall respond in writing to the grievant and BVC within (10) calendar days with a recommendation for resolution.

2. ADMINISTRATIVE REVIEW

- (A) If the complaint is not adopted per the recommendations under an initial review by the grievant within fifteen (15) calendar days of receipt of the recommended resolution(s), the grievant may submit a written request for an administrative review with the Division for the Visually Impaired (DVI) Director or his/her designee. The informal administrative review shall be held during normal Division working hours at the main office or a place designated by the DVI Director.
- (B) The time and place of the administrative review will be scheduled within fifteen (15) calendar days of receipt for requesting an administrative review by the DVI Director.
- (C) The DVI Director shall review all findings of fact, conclusions and recommendations from the initial review with the grievant during the administrative review. The DVI shall issue a written recommendation no later than fifteen (15) calendar days after the conclusion of the review. The findings shall be sent to all parties.

3. FULL EVIDENTIARY HEARING

- (A) When the administrative review does not resolve the dispute to the satisfaction of the grievant, such grievant shall request a full evidentiary hearing within (30) calendar days of the determination of the DVI Director on the findings of facts from the administrative review.
- (B) The full evidentiary hearing will be conducted by a hearing officer. The hearing officer will be an impartial official who has no conflict of interest(s) with the Division for the Visually Impaired, Business Enterprise Program, licensed vendors or the elected BVC on issues with the administration or operation of the Business Enterprise Program.
- (C) The selection of a hearing officer shall be agreed upon by the Division for the Visually Impaired Business Enterprise Program and the grievant within (10) calendars days of notice for a full evidentiary hearing. If a hearing officer cannot be agreed upon between the parties, the Director of the Division for the Visually Impaired and/or his/her designee shall select a hearing officer on the parties' behalf.
- (D) The request for a full evidentiary hearing must describe the specific action with particularity sufficient to provide notice as to the action which is alleged to be in violation of applicable laws, the Randolph-Sheppard Act, State Rules and Regulations, Policies and Procedures or any proper and authorized instructions by the Division for the Visually Impaired personnel.
- (E) The grievant may be represented at the evidentiary hearing by legal counsel, the State of Delaware, the Division for the Visually Impaired, or the Business Enterprise Program.

- (F) Reader services, If needed will be requested at least ten (10) calendar days prior to the hearing date.
- (G) The time and place of the full evidentiary hearing will be set by the hearing officer during the division's normal business hours. The hearing officer will notify all parties of the time and place at least (30) calendar days prior to the hearing.
- (H) The person bringing the complaint shall have the burden of proving their case by the preponderance of evidence. The persons bringing the complaint shall present their evidence first.
- (I) A record shall be made of the evidence introduced and shall be made available to all parties in attendance of the hearing on the hearing date or within fifteen (15) days thereafter.
- (J) The hearing officer shall issue a written report which will set forth the issues, and relevant facts from the hearing and the applicable provision of applicable laws, the Randolph-Shepherd Act, State Rules & Regulations, and Policies and Procedures. The report shall contain findings of fact and conclusion with respect to each of the issues and make available to all parties no later than (30) calendar days of the conclusion of the hearing.
- (K) The hearing officer in determining their conclusion, shall be limited to determine whether the Division for the Visually Impaired, Business enterprise Program actions violated applicable Laws, The Randolph-Shepherd Act and supporting regulations, State Rules and Regulations, or Policies and Procedures.
- (L) Should the hearing officer find that the actions of the Division for the Visually Impaired, Business enterprise Program violated applicable Laws, The Randolph-Shepherd Act and supporting regulations, State Rules and Regulations, or Policies and Procedures, the hearing officer may also recommend action necessary to correct the violation
- (M) The Business enterprise Program Director shall review the findings of the hearing officer and forward a decision to all parties no later than (45) calendar days after receipt of findings.

4. ARBITRATION

- (A) If the grievant is dissatisfied with the decision of the hearing officer or the Business enterprise Program Director, the grievant may file a complaint with the Secretary Of Education after receipt of such decision in accordance with provisions of section 395.13 of the Act.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

The Setting Aside of Funds by the Delaware State Licensing Agency

PURPOSE/SCOPE

To establish consistent and clear defined procedures for setting aside funds by the Delaware State Licensing Agency (SLA).

This policy applies to all Locations within the Delaware Business Enterprise Program (BEP) with the exception of all BEP unassigned vending.

The federal code of regulations part 395.9 (The setting aside of funds by the state licensing agency) states that the state licensing agency shall establish in writing the extent to which funds are to be set aside or caused to be set aside from the net proceeds of the operation of the vending facilities and, to the extent applicable, from vending machine income SS 395.8 (c) in an amount determined by the secretary to be reasonable.

Per the federal code of regulations part 395.1 "Set-aside funds" means funds which accrue to a State licensing agency from an assessment against the net proceeds of each vending facility in the State's vending facility program and any income from vending machines on Federal property which accrues to the State licensing agency.

Funds may be set aside under the above paragraph of this section only for the purposes of:

Maintenance and replacement of equipment (excluding service and maintenance fees that are incurred as on-going business expenses);

The purchase of new equipment;

Management services (Per the federal code of regulations part 395.1, sub-part A, Definitions, section-j; "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the on-going operation of an individual facility after the initial establishment period);

Assuring a fair minimum return to vendors; or

The establishment and maintenance of retirement or pension funds, health insurance contributions, and provisions for paid sick leave and vacation time, if it is so determined by a majority vote of blind vendors licensed by the state licensing agency, after such agency provides to each such vendor information on all matters relevant to such proposed purposes.

The state licensing agency shall further set out the method of determining the charge for each of the above purposes listed, which will be determined with the active participation of the state BVC of blind vendors and which will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The state licensing agency shall maintain adequate records to support the reasonableness

of the charges for each of the purposes listed in this section, including any reserves necessary to assure that such purpose can be achieved on a consistent basis.

PROCEDURES

All BEP unassigned locations profits and losses will be assigned to BEP account #3 (unassigned vending income) excluding those unassigned locations which are located on federal property which shall be assigned to account #1 (BEP set aside account) or distributed equally toward licensed vendors for the purposes of fringe benefits.

All assigned locations profits and losses will continue to be assigned to BEP account #1 (BEP set aside account)

The set aside fund shall be administered as ten percent (10%) on all net profits from vendor locations, excluding BEP unassigned vending.

Per the federal code of regulations part 395.1, sub-part A, Definitions, section-k; "Net proceeds" means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by such blind vendors).

The vendor shall pay their set aside amount as required, and within the time frame listed on their set aside invoice.

Any licensed vendor location whose two-month cumulative net profit is less than twenty five hundred dollars (\$2,500.00) shall be waived their full set-aside charge for that time period.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Delaware Business Enterprise Program Policies and Procedures

Resubmission for Approval: July 5, 2018

Establishment, Maintenance, and Development of BEP Locations_____	pg.	2 - 5
Dress Code Guidelines_____	pg.	6 - 7
BEP Accounting Practices_____	pg.	8-11
Third-Party Vendors/Suppliers Misappropriation Policy_____	pg.	12-13
BEP Licensed Vendor Misappropriation Policy_____	pg.	14-15
Probationary Vendor Re-Payment Agreement_____	pg.	16-17
Code of Conduct for BEP Vendors_____	pg.	18-21
New BEP Vendor Payroll/Accounting Policy_____	pg.	22-25
BEP Bid Process_____	pg.	26-28
*Recruitment/Enrollment/Training of BEP Vendors (Addendum #1)_____	pg.	29-32
BEP Probationary Supporting Documentation Guidelines_____	pg.	33
BEP External Requests of Business Opportunities Policy_____	pg.	34-36

***This Policy was originally approved by RSA on January 5, 2016. However, it is being resubmitted as Addendum #1 with three (3) modifications contained herein which are dated and marked in blue font.**

The Establishment, Maintenance and Development of BEP Locations

PURPOSE/SCOPE

To establish consistent procedures for establishing, maintaining, and developing BEP locations.

DEFINITIONS

Net Income shall mean total earnings following adjustment costs for business operations such as set aside, equipment (phone, computer, internet, machinery, transportation, depreciation); fixed costs (taxes, licenses, pension, insurances, non-government building utility costs); and variable costs (other fluctuating costs associated with the daily site operation).

Fair Minimum Return shall mean twenty-five percent (25%) above the current federal minimum wage based on net income per month throughout their first six (6) months of operation. This calculation is derived by the following example calculation based upon the current federal minimum wage rate:

\$7.25 per hour current minimum wage rate x 25% = \$9.06 per hour. \$9.06 x 40-hour work week = \$362.40 per week x 4-weeks in a month = \$1,449.60 per month _____

Fair Minimum Return Payment shall mean, with respect to any measuring period, a payment to a Probationary Vendor in an amount equal to the difference between the a Fair Minimum Return and such Probationary Vendor's Net Income for such period, assuming such Net Income is less than the applicable Fair Minimum Return.

Unestablished Facility shall mean a facility that has no proven history defined as not achieving sufficient net income at or above Fair minimum Return within the previous 12-month period.

SLA shall mean the Delaware Department of Health and Social Services, Division for the Visually Impaired, the BEP state licensing authority.

Probationary Vendor shall mean a licensed vendor [operating a newly licensed BEP facility during its first 12 months]

PROCEDURES

A) Probationary Vendors – First 12-Months of Operating a Facility as a Licensed Blind Vendor

A Probationary Vendor is assured a Fair Minimum Return

All Fair Minimum Return Payments to vendors shall be issued monthly to qualifying Probationary Vendors, through BEP Account #3 which is established to support the vendors enrolled within the BEP.

Entitlement of the Fair Minimum Return to the Probationary Vendor of an established facility is contingent on the following three criteria:

- The Probationary Vendor is operating a New Facility that has no proven history of achieving a Fair Minimum Return within the prior 12-months, and/or;
- The manager has never previously managed a vending facility, and/or;
- The BEP Director determines, in his/her discretion, the additional support is critically important in order to establish or re-establish the viability of a facility with a recent history of failing to achieve a Fair Minimum Return for an identifiable cause other than vendor mismanagement based upon review with the Blind Vendors' Committee of prior profit and loss statements for that location over the course of the prior year.

This option may only be used when reasonable expectation dictates that the facility will be restored to its previously profitable status.

When a potential Probationary Vendor is ready for assignment of a facility, he/she may be offered a new site that either has no history of achieving a Fair Minimum Return or has been established but has operated without achieving a Fair Minimum Return [for a period of 12-months]. The Probationary Vendor has the discretion to either accept the offered site or decline the site in favor of an established site. The SLA has the discretion to merge two or more satellite locations, if feasible, to create a profitable primary site for the Probationary Vendor.

A previously licensed vendor who left the BEP in good standing and is returning to the BEP may choose the option of receiving a Fair Minimum Return payment.

Any licensed vendor shall be responsible to repay the total sum of Fair Minimum Return payments they received back to the SLA for reimbursement into BEP Account #3. A repayment schedule shall be recorded and agreed upon between the vendor and the SLA. The payment schedule shall be no less than 12-months and no more than 36-months. Vendors may make additional payments each month; however, no less than the standard agreed upon amount shall be paid, and payments shall be made within the agreed upon time-frame.

This policy shall be incorporated as an addendum into new vendor licensing agreements as an addendum. Within the new and existing vendor licensing agreements there shall also be set forth provisions for the vendor to establish goals of growing their business' net profit margin (net profit margin = net income/sales revenue) at two (2%) percent annually.

1. The BEP Director and the Probationary Vendor shall agree upon a beginning inventory value prior to the facility being opened for business. At the end of the first full calendar month of business for the first nine (9) months of operation thereafter, a physical inventory shall be conducted and agreed upon by both parties.

2. Upon completion of the inventory at the end of each full calendar month's operation, the BEP Director shall calculate the Probationary Vendor's accumulated net income for the period and adjust it to reflect any change in the value of the inventory. If the net income for the month is below the Fair Minimum Return, the SLA will issue a check to the Probationary Vendor for the difference so the total net income amount equals a Fair Minimum Return.

3. All location stock, funds, equipment, and fixtures are property of the State of Delaware (SLA) and are not the property of the Probationary Vendor. The licensed vending facility manager is not allowed to take funds from the BEP vending facility income using any other process. All records of inventory, income, etc. will be maintained in the licensed vendor's BEP case file. (All distribution will be determined by the SLA after a profit and loss statement has been prepared for the location)

B) Satelliting

A satellite location is defined as an unassigned location on the bid list of locations available as a primary facility, a new site that opens and receives no bids, or a site that no one takes on as a primary site. A primary facility is defined as a licensed vendor's current location. Should a site not be at the income level of \$15,000.00 annual net profit, the site remains unassigned. An unassigned site may be considered to become a satellite operation by the SLA once the site exceeds \$15,000.00 net profits during the prior completed fiscal year. A satellite location is a temporary business operation until the site obtains a

permanent operator. Prior to becoming a satellite location, the site is overseen by the SLA. Once the site becomes an operational satellite location, the site is then overseen by the vendor of said operation. The satellite location shall remain on the bid list until the site is successfully bid on as a primary location. The SLA has the discretion to merge two or more satellite locations to create a profitable primary site.

In the event the SLA determines that a location is eligible for satelliting, following no submitted bids for the operation of the facility, the following considerations will be taken:

1. Profits from a satellite location are paid to the satelliting manager for the duration of the satellite status. Two consecutive net losses (two cycles/four months) on P&Ls shall result in a formal meeting with the BEP Director in conjunction with the BVC to discuss future options/directions for the satellite location and to establish a corrective action business plan for moving forward.
2. A satellite location remains in "open bid" status during the satelliting period with a minimum 30-day notice of full-time manager assignment. New manager assignment will be effective on the first day of the next new P & L period to a satelliting manager before the location is transitioned to another licensed vendor.
3. The following conditions shall apply when selecting a licensed vendor among multiple applicants seeking to satellite a single location. When a management position is to be filled at a vending facility within the BEP Program, the BEP Director shall solicit applications from all (licensed) vendors who are qualified. The Division may then fill this management position with the applicant of its choice. The Division will use information provided in semi-annual manager evaluations for guidance in making the most appropriate selection. Factors which the Division shall consider in choosing an applicant include, but may not be limited to: seniority, experience, managerial skills, administrative skills, training, education and suitability of the applicant to any special requirements of the vending facility. The Delaware Committee of Blind Vendors shall be consulted concerning the Division's proposed decision.

C) Annexation

In order to annex combined locations, all of the following conditions shall apply:

1. If a vendor is making below \$35K net profit per year, then that vendor may pursue an annexation site. If, however, a vendor is exceeding \$35K net income per year, then the vendor may not pursue an additional site under annexation. This shall be done prior to the beginning of the federal fiscal year so that the RSA15 report can be completed efficiently. Following the bid process, the SLA, in conjunction with the BVC, shall make a determination for awardment of the annexed site. This shall be followed by a public meeting to inform interested parties of the decision(s) and garner any public comment pertaining to the process followed and decision(s) rendered. Response to public comment shall be rendered by the BEP Director in conjunction with the BVC via the State of Delaware's public meeting policies.
2. The licensed vendor must be in good standing with the BEP (no delinquent payroll or set aside obligations or written citations within their annual evaluations) with a minimum of 48-months experience continuous service within the BEP.
3. Within those prior 48-months the licensed vendor must have achieved the objectives and goals set forth in their operator agreement.

4. Final annexation of any satellite site shall be approved by the BEP Director in conjunction with the BVC by majority vote after approval from the DVI Director.

Bid Process

When a BEP vending facility becomes available for bid, a Notice of Vending Facility Opportunity is sent by the BEP Director to all licensed BEP vendors, at which time, an interested licensed vendor must submit an electronic response via E-mail stating their intent of interest within fourteen (14) calendar days of the BEP Director's E-mail.

When a management position is to be filled at a vending facility within the BEP Program, the SLA shall solicit applications from all (licensed) vendors who are qualified. The SLA may then fill this management position with the applicant of their choosing. The SLA will use information provided in semi-annual manager evaluations for guidance in making the most appropriate selection. Factors which shall be considered in choosing an applicant include, but may not be limited to: seniority, experience, managerial skills, administrative skills, training, education and suitability of the applicant to any special requirements of the vending facility. The Delaware Committee of Blind Vendors shall be consulted concerning the proposed decision of the SLA.

Probationary Vendor Site Assignment Acceptance Form

I, _____, understand that I am being offered the _____ as my assignment site under the State Licensing Agency (SLA) of the Business Enterprise Program (BEP). I further acknowledge and understand that this assignment site has either no history of profitability or has a history of net income less than a Fair Minimum Return (as defined in BEP Policies). By signing this Vendor Site Acceptance Form, I am accepting this site as my assigned BEP location.

BEP Vendor (Print Name) _____

BEP Vendor (Signature) _____ Date _____

BEP Director/Designee Signature _____ Date _____

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Dress Code Guidelines for BEP Vendors.

PURPOSE/SCOPE

To establish consistent and clear defined guidelines regarding appropriate dress and appearance in the business. This policy applies to all BEP Vendors and trainees and should be followed as applicable to the given work-day schedule and situation; i.e.; meetings, tours of the operation, etc.

PROCEDURES

Professional judgment, safety standards, and common sense should be exercised when choosing appropriate dress for your business. The below offers guidance for choosing the appropriate attire. Should a vendor and/or vendor employees fail to adhere to proper dress code standards, the individual(s) in question shall be issued a verbal warning in the form of an e-mail which shall not be placed in the individual's employment file. Should the issue continue, a written warning which shall be placed in the individual's employment file shall be issued. Continual violation of standard dress code requirements shall result in additional written warnings; placed in the individual's employment file; and may result in further disciplinary action, up to and including termination from the BEP. Additionally, written warnings shall become part of the employee's formal bi-annual review sessions with the BEP Director and the BVC and shall remain a part of the review file for a statutory limitation period of three (3) years.

Clothing should be neat, clean, business functional and non-distracting; ex. Sheer or translucent is unacceptable.

Clothing with offensive or obscene printed words or pictures is prohibited..

Shoes: Must be closed-toe and business functional for both professional and safety rationalization. Examples of prohibited footwear include (but are not limited to) the following: Flip Flops, Beach Thongs, and Sandals.

Pants/Slacks: Must be business functional. Examples of prohibited pants/slacks include (but are not limited to) the following:
Tight, Sheer or seductive clothing, Bermuda dress shorts, and denim jeans.

Skirts/dresses: Should be business functional. Examples of prohibited skirts/dresses include (but are not limited to) the following:
Tight, Sheer or seductive clothing, and shall not be more than 2 inches above the knee.

Shirts/Blouses: Should be business functional. For shirts, the official BEP logo will be placed on the opposite side of the pocket, if there is no pocket the logo will be placed on the left hand side of the shirt. Name placement is optional. The Shirts/Blouses will be the same style and color for all BEP Vendors, The BVC of blind vendors will advise the SLA of the style and color.

Blouses should be business functional. And the official BEP logo will be placed on the opposite side of the pocket, if there is no pocket the logo will be places on the left hand side of the shirt. Name placement is optional.

Jackets: Should be business functional. Each Staff shall maintain two jackets, light weight for summer season, and a heavier weight for winter season. The jackets will be the same style and color for all BEP Vendors, The BVC of blind vendors will advise the SLA of the style and color. The official BEP logo will be placed on the left hand side of the jacket. Name placement is optional.

All cost associated with compliance with this policy directive can be charged against the business.

This policy shall be effective on upon documented approval from the Rehabilitation Services Administration.

BEP Accounting Practices

PURPOSE/SCOPE

To provide standardized policies and practices for the BEP accounting process as well as an invoice system for all BEP charge services. This policy shall apply to all locations of the BEP.

PROCEDURES

The Division for the Visually Impaired SLA shall ensure that the BEP is independently audited by an outside auditor on an annual basis at the end of the federal fiscal year to ensure the fiscal integrity of the BEP. It is the responsibility of the SLA to advise the Department of Health and Social Services Controller's Office and the BVC of any irregularities or concerns that they discover in a timely basis not to exceed 30 days past publication of the report.

1. Completion and Submission of the BEP financial statements

A. All probationary and licensed vendors will turn in their draft profit and loss statement to the DVI fiscal officer no later than the 7th day of each month. All probationary and licensed vendors shall receive an e-mail, as needed, from the DVI fiscal officer notifying them of their responsibility for timely submission of the profit and loss statement with all corresponding source documentation as applicable (e.g. receipts, checks, bank records, financial statements). On a semi-annual basis (twice per program year) all vendors will participate in a random audit of their financial statements which shall include the requirement to submit all receipts for the requested month to the DVI Fiscal Officer in addition to the draft profit and loss statement no later than the seventh (7th) day of each month. If findings are substantiated where receipts are not properly accounted for, the SLA shall continue to request receipts in each successive pay period until the draft profit and loss statements are submitted correctly. Vendors will still be required to submit their monthly reports; however, supporting receipt documentation shall not be required unless requested. The SLA shall notify vendors of their audit dates with a minimum of at least five (5) business days prior to the audit start-date. Receipts shall be randomly requested for time-frames within the previous six (6) months for audit purposes.

B. The DVI fiscal officer shall reconcile the receipts against the draft profit and loss statement within forty eight (48) hours of receipt and submit the revised profit and loss statement with any changes/modifications noted back to the vendor for approval. All modifications to the profit and loss statements shall be reviewed and approved by that licensed vendor.

C. The DVI accountant shall revise the profit and loss statements to include charges for set-aside payments, and fringe contributions in order to establish payroll calculations for the upcoming salary schedule. Please note that probationary and licensed vendors shall have varying pay periods that may include four or five pay cycles. The revised profit and loss statement shall be submitted to the DVI fiscal administrative officer no later than the Thursday prior to the last pay day of the month.

D. The DVI fiscal administrative officer shall provide a final review of the profit and loss statement prior to submitting the document to DHSS HR to enter into the payroll system. The final review must occur within 48 hours from the date of receipt in order to ensure a timely and accurate submission.

E. Within each calendar month the DVI accountant shall also be responsible for reconciling and documenting the reconciliation of all BEP bank accounts to be incorporated on the revised profit and loss statement.

G. If a BEP vendor identifies an error of shortage in their pay, they shall immediately notify the DVI Fiscal Administrative Office (FAO) in writing via e-mail. The DVI FAO shall respond within one (1) business day of the notification receipt and, upon verification of the shortage, shall issue a reimbursement within three (3) additional business days. The reimbursement shall either be remitted from BEP's Account #3, or from petty cash. Following this, the FAO shall adjust for this disbursement on the next payroll cycle for reimbursement of the funds to the origin of payout. The BEP vendor shall also follow this notification procedure to the FAO in the event an over-payment occurs in their pay.

2. Format and Integrity of the BEP financial statements

- A. The BEP profit and loss statement shall be initially compiled utilizing probationary and licensed vendor draft statements. These shall be reflected as individual tabs sorted by location on the profit and loss statement.
- B. The probationary and licensed operators' expenses and profits shall carryover to page one of the profit and loss statement (the profit and loss statement summary page) and to page two of the profit and loss statement (the expense page) and shall be reconciled by the DVI fiscal administrative officer.
- C. The set aside calculations shall be incorporated on both the individual location tabs of the profit and loss statement as well as on the profit and loss summary page (page 1). The total set aside calculations shall be then totaled on a separate tab entitled "set aside".
- D. The probationary and licensed vendor salaries shall be reconciled and verified by the DVI fiscal administrative officer and DVI senior fiscal administrative officer each profit and loss statement cycle. Manager salaries shall be calculated against the upcoming pay periods (four or five) over the course of the following profit and loss statement cycle.
- E. In order to accurately calculate manager salaries all fringe benefits must be accurately accounted for with formulas for FICA, pension, healthcare and other pre-tax contributions reviewed by the DVI senior fiscal administrative officer on a semi-annual basis. Fringe calculations must also account for all federal locations that are operated by the SLA and must be dedicated as credits and distributed equally to all licensed vendors.
- F. Final salary calculations shall be reviewed by the DVI fiscal administrative officer prior to entering this information into the State of Delaware payroll system. Following the entry of this information the DVI senior fiscal administrative officer shall review the profit and loss statement to ensure additional adjustments don't need to occur prior to the processing of salaries for the forthcoming profit and loss statement period.

3. Invoicing and billing practices for BEP services

When a location receives a request for charge service provided by the BEP, the Vendor or designee in charge will complete all information on the BEP request form.

The vendor or the designee will mail or fax the form to the requestor for review. The requestor will sign under the authorized signature confirming approval and funding of the service listed on the BEP request form.

The BEP fiscal Office follows the standard GAAP principles pertaining to BEP/SLA staff making purchase requests which incorporates the approval of the BEP Director, the Division Director (if applicable), and the BEP Fiscal Office. Because prior approval is required, it is important for the BEP/SLA staff to wait for the signed approval prior to making any purchases. This does not apply to BEP vendors.

On the day of service, the vendor or designee will hand deliver the invoice/ bill for the amount recorded on the BEP request form.

There will be no paper or food products returned to the location for re-use. (No credits are authorized).

In preparing the invoice/ bill the following information will be recorded:

- Bill To: The authorized signature on the BEP request form, including the billing address.
- Date: Date of billing
- Invoice number: The invoice number will be a 9 digit system, starting with the initial of the location; i.e.,

Connective Indian River will be recorded as CIR000001
The next invoice number will be CIR000002.

- Date: Date of service
- Description: Purpose of charge request
- Total amount due: As recorded on the BEP request form

Each location shall maintain a tracking sheet to record the following information for each charge request:

- a) Bill to information
- b) Date of service
- c) Invoice number
- d) Total amount due
- e) Date billed
- f) Date paid

The actual invoice must be used for P & L statements and recording of transactions on all documentation, not projected revenues.

All locations that process their payments to vendors through the main office will approve all payments according to the below outline.

- All invoices/statements are date sensitive, and therefore, must be reported according to the date of the invoice/statement and in compliance with the same profit and loss period.

- All invoices/statements must be stamped with the location stamp, or the vendor or person in charge managing the day-to-day operation shall sign the invoices/statements.
- The BEP Administrative Officer will ensure that all invoices/statement dates are in compliance with the current profit and loss statement.
- The BEP Administrative Officer will ensure all invoices/statements are stamped with the location stamp or signed by the authorized person in charge.
- In the event a location has not listed an invoice according to the statement received by the main office, the BEP Administrative Officer will forward such invoice back to the vendor for processing.
- The BEP Administrative Officer will notify the location of the invoice in question and advise them of fiscal findings.
- The location will be notified that the invoice in question will be added to their profit and loss statement issued by the BEP fiscal office. A copy of the invoice will be sent to the location and footnoted with the following information:
 - a) The name of the individual notified that the invoice was being added to the current profit and loss statement.
 - b) The date the person was notified the invoice was being added to the current profit and loss statement.

The BEP Administrative Officer will notify the location to revise their on-site profit and loss statement.

The BEP Administrative Officer will prepare an adjusted turn-in with the new invoice information.

A copy of the BEP completed form will be submitted with the weekly paperwork for the SLA to record same information on the weekly mini profit and loss statement.

A copy of the invoice will be submitted with the weekly paperwork upon receipt of payment along with a copy of the check.

This policy shall be effective on upon documented approval from the Rehabilitation Services Administration.

Third-Party Vendor/Suppliers Misappropriation Policy

PURPOSE/SCOPE

This policy is established to facilitate the development of controls that will aid in the detection, prevention, and prosecution of Business Enterprise Program (“BEP”) third-party vendor/supplier misappropriation of property of the BEP vendor and the State Licensing Authority (“SLA”).

POLICY

The SLA adheres to a 30-day repayment structure for misappropriation of assets. Any investigation leading to the confirmation of misappropriation by any BEP third-party vendor/supplier shall result in due process by the appropriate legal authorities. Should a second incident occur, the third-party vendor shall be restricted from the BEP vendor’s list for a period of five (5) years.

Actions constituting misappropriation:

Any irregularity that is detected or suspected must be reported immediately to the SLA Director and/or the Director’s designee, who in turn, shall coordinate all investigations in conjunction with the Division Director and the BVC pertaining to the Attorney General’s Office, the Better Business Bureau (BBB), the Delaware Office of Management and Budget/Government Support Services (OMB/GSS), and other appropriate entities; both internal and external. The term misappropriation refers to but is not limited to the unauthorized improper or unlawful use of funds, securities, supplies, or other assets of the SLA and/or the BEP, including without limitation any of the following acts:

1. Imprudence in the handling or charging of money, checks, bank account transactions, or any other financial transactions; and
2. Impropriety in the handling of equipment or other tangible items related to the vendor’s BEP business.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation shall be made in conjunction with the SLA, the Blind Vendor’s Committee (BVC), and the Division Director.

Confidentiality:

The SLA treats all information received confidentially. Any employee who suspects misappropriation by a BEP third-party vendor/supplier shall notify the SLA Director or the Director’s designee immediately, and should not attempt to personally conduct investigations or interviews related to any suspected misappropriation on their own. Investigation results shall not

be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the SLA and the BEP from potential civil liability. Authorization for investigation shall be under the guidance of the state's Attorney General's Office.

Reporting:

An employee who discovers or suspects activity constituting misappropriation by a BEP third-party vendor/supplier shall report such activity to the SLA Director or the Director's designee. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the SLA Director or the Director's designee. No information concerning the status of an investigation will be given out by the SLA. The proper response to any inquiry is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation", "the crime", "the fraud", "the forgery", "the misappropriation", or any other specific reference.

Termination of Services:

Termination of any and all contracts/business agreements with any third-party vendors/suppliers shall be duly enforced should misappropriation in a BEP third-party vendor or supplier's business practices be proven. Actions which are determined to be a violation of this policy shall constitute grounds for the termination of said third-party vendor/supplier contracts/business agreements. Should restitution not be made back to the SLA within the specified time-period, legal action shall be further taken to ensure restitution is made.

Pending approval from the State Attorney General's Office, upon conclusion of any investigations, and a finding of guilty in said investigations, the BEP third-party vendor's/supplier's information regarding the violation of theft or misuse or misappropriation of funds or equipment shall be forwarded to the State of Delaware Better Business Bureau (BBB) for public record as a safeguard against future such improprieties by said vendor or said vendor's employees.

Any action taken against the third-party vendor/supplier shall commence following consult with the SLA, the BVC, the Division Director, and the State of Delaware Attorney General's Office beginning with, during, and at the conclusion of any investigation.

The SLA shall take all action; legally, and other; to the fullest extent of the law.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP Licensed Vendor Misappropriation Policy

PURPOSE/SCOPE

This policy is established to facilitate the development of controls that will aid in the detection, prevention, and prosecution of Business Enterprise Program (“BEP”) vendor employee misappropriation of property of the BEP and the State Licensing Authority (“SLA”). It is the intent of the SLA to promote appropriate, consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

POLICY:

The SLA adheres to a 30-day repayment structure for misappropriation of assets. Any investigation leading to the confirmation of misappropriation by any BEP vendor or their respective employees will result in six (6) months’ probation with financial coaching and recommended additional vocational rehabilitation (“VR”) services for said vendor. This course of action shall be afforded to the BEP vendor twice during the course of said vendor’s license term. Should a third offense occur during the course of said vendor’s license term, immediate license termination with respect to all responsible parties shall ensue.

Actions constituting misappropriation

Any irregularity that is detected or suspected must be reported immediately to the SLA Director and/or the Director’s designee, who in turn, shall coordinate all investigations in conjunction with the Division Director and the BVC pertaining to the Attorney General’s Office, and other appropriate entities. The term “misappropriation refers to, but is not limited to the unauthorized, improper or unlawful use of funds, securities, supplies, or other assets of the SLA, including without limitation any of the following acts:

3. Imprudence in the handling or reporting of money, checks, bank account transactions, or any other financial transactions; and
4. Impropriety in the handling of equipment or other tangible items related the vendor’s BEP business.

Other:

Irregularities subject to code of conduct and contractual due process and rights concerning moral, ethical, or behavioral conduct should be resolved by the SLA in conjunction with the BVC.

Confidentiality:

The SLA treats all information received confidentially. Any employee who suspects misappropriation shall notify the SLA Director or the Director's designee immediately, and should not attempt to personally conduct investigations or interviews related to any suspected misappropriation on their own. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the SLA and the BEP from potential civil liability. Authorization for investigation shall be under the guidance of the state's Attorney General's Office.

Reporting:

An employee who discovers or suspects activity constituting misappropriation shall report such activity to the SLA Director or the Director's designee. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the SLA Director or the Director's designee. No information concerning the status of an investigation will be given out by the SLA. The proper response to any inquiry is "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation", "the crime", "the fraud", "the forgery", "the misappropriation", or any other specific reference.

Termination:

Should restitution not be made back to the SLA by the vendor and/or BEP employees involved by the next pay-period, legal action may be further taken to ensure restitution is made. Pending approval from the State Attorney General's Office, upon conclusion of any investigations, and a finding of guilty in said investigations, the BEP vendor's and/or BEP employees found guilty information regarding the violation of theft or misuse or misappropriation of funds or equipment shall be forwarded to the State of Delaware Credit Bureau, the Federal Credit Bureau, and the Better Business Bureau for public record as a safeguard against future such improprieties by said vendor or said vendor's employees.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

DELAWARE BUSINESS ENTERPRISE PROGRAM**PROBATIONARY VENDOR RE-PAYMENT AGREEMENT**

 Probationary Vendor Name (Please Print):

 Mailing Address:

 Home Phone:

Business Phone:

 Email Address:

I, _____, agree to the following financial terms of reimbursement to the SLA as part of my probationary vendor employment:

1. Fair Minimum Return
☐ Yes ☐ No Total Amount _____
2. Initial Stock/Inventory
☐ Yes ☐ No Total Amount _____
3. Cash Bank
☐ Yes ☐ No Total Amount _____
4. Any licensed vendors shall be responsible to repay the total sum of fair minimum return payments to the unassigned vending savings account. The payment schedule shall be no less than 12-months and no more than 36-months. Vendors may make additional payments each month; however, no less than the standard agreed upon amount shall be paid, and payments shall be made within the agreed upon time-frame.

I understand that reimbursement to the SLA shall begin following the first 90-days of my probationary period and shall be made in accordance with the reimbursement terms agreed upon per the repayment schedule at _____ per-month and stated below based upon the following formula:

Gross Sales to Date _____

Cost of Goods Sold to Date _____

Net Proceeds to Date _____

Surplus/Deficit to Date _____

Reimbursement Amount to SLA _____

Probationary Vendor Signature:	Date:
Division Director Signature	Date:

This agreement policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Code of Conduct for BEP Vendors

PURPOSE/SCOPE

This policy applies to all prospective or current employees of the BEP regardless of employment agreement or seniority.

PROCEDURES

Persons within the BEP's employment are bound by the terms of their contract to adhere to specific guidelines applicable to every work-related space and during the fulfillment of their duties. All employees are obliged to know the Employee Code of Conduct and follow its prescripts.

Compliance with Law

All employees are obliged to protect the legality of the BEP by complying with the legal guidelines under which it is bound. These guidelines refer to all environmental, safety, and fair dealing dictations of Delaware State laws and Federal laws as well as contained within the BEP Policies as a whole. In addition to these, all employees are obliged to refrain from unlawful or offensive behavior against the company where its finances, products, partnerships, or public image are concerned.

Respect in the Workplace

All employees are bound by the employment policies of the program. They are required to behave in a respectful manner towards their colleagues and strictly refrain from any kind of discriminatory behavior, harassment, or victimization. This applies to all aspects of the workplace from the recruitment and evaluation processes to interpersonal relations between employees. The company has no tolerance for this kind of behavior and disciplinary actions will be taken when appropriate.

Protection of BEP Property

All employees are expected to treat the property of the BEP, whether material or intangible, with respect and care. The equipment of the BEP must not be misused. The BEP vendor's facilities and other material property must not be damaged or vandalized while under an employee's responsibility. Such actions will invoke disciplinary and/or legal action in cases of voluntary violation.

Professionalism

All employees must abide to certain rules that show integrity and high quality professionalism while executing their duties in the workplace. The following include the company's expectations from its employees:

Personal Appearance

All employees must follow the dress code and personal appearance guidelines of the BEP as outlined in the BEP Dress Code policy. Non-conformity will be met with disapproval and the employee will have to change their conduct to meet the standards of the BEP.

Corruption

Employees are actively discouraged from accepting gifts from customers or partners and strictly prohibited from accepting bribes for the benefit of any external or internal party. Such behavior may invoke legal actions that will be damaging for both parties responsible.

Job Duties and Authority

All employees must pay attention to their job duties and fulfil them with integrity and respect towards customers, stakeholders, and the community. Supervisors and managers are prohibited from abusing their authority but are expected to delegate duties to their subordinates with respect to their competences and workload. Mentoring and motivating are actively encouraged. All employees are expected to follow supervisor's instructions and execute all of their duties as assigned with skill and in a timely manner.

Absenteeism and Tardiness

An important element that shows the professionalism of an employee is the degree to which they adhere to established schedules. This does not refer to occasional discrepancies that an employee might face that prevent them from following standard working hours or days, but rather a uniform stance towards the expected times of arrival and departure from work, as well as the amount of time someone spends on the execution of their duties.

Conflict of Interest

All employees are expected to avoid any personal, financial, or other interests that might hinder their capability or willingness to perform their job duties or be damaging to the BEP. Any situation voluntary or involuntary that might be perceived as conflict of interest must be reported to the SLA.

Collaboration

All employees are expected to maintain a climate of professionalism and respect and make every effort not to disrupt the workplace during the execution of their duties or present obstacles to the work of their colleagues. It is important to respect others' work and efforts. All employees are encouraged to work collaboratively when applicable.

Communication

All employees must be open for communication and constructive feedback with their colleagues, supervisors, or subordinates. It is important that employees in the workplace can openly communicate with one another so that their work, as well as work conditions, can be as productive and positive as possible.

Harassment

The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, undermines the integrity of employment relationships, and causes serious harm to the productivity, efficiency, and stability of any organization.

All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age, disability, sexual orientation, arrest or conviction record, marital status, and other such examples, is expressly prohibited under this policy.

This policy will be issued to all current employees and during orientation of new employees within the BEP.

Definitions

In general, harassment means persistent and unwelcome conduct or actions on any of the bases underlined above. Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature.

Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to

- The repeated making of unsolicited, inappropriate gestures or comments;
- The display of offensive sexually graphic materials not necessary for our work;

Harassment on any basis (race, sex, age, disability, etc.) exists whenever

- Submission to harassing conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual.
- The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

Recognizing Harassment

Harassment may be subtle or manipulative, and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. All forms of gender harassment are covered under this policy; i.e.; men can be sexually harassed, men can harass men, women can harass other women. Offenders can be managers, supervisors, co-workers, and non-employees such as customers or third-party vendors.

Some examples of harassment are:

Verbal

Jokes, insults, and innuendoes (based on race, sex, age, disability, etc.), degrading sexual remarks, referring to someone as a stud, hunk or babe; whistling; cat calls; comments on a person's body or sex life, electronic videos, offensive music, auditory recordings, pressures for sexual favors, or other such mediums that may be considered offensive or harassing.

Non-Verbal

Gestures, staring, touching, hugging, patting, blocking a person's movement, standing too close, brushing against a person's body, or display of sexually suggestive or degrading pictures, electronic videos, racist materials, derogatory cartoons or drawings, or other such mediums that may be considered offensive or harassing.

Grievance Procedure

Any BEP employee who believes he or she is being harassed, or any employee, who becomes aware of harassment, should promptly notify the SLA. Upon notification of a harassment complaint, a confidential and impartial investigation will be promptly commenced and will include direct interviews with involved parties and where necessary, with employees who may be witnesses or have knowledge of matters relating to the complaint. The parties of the complaint will be notified of the findings and their options.

Non-retaliation

This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment.

Policies

All employees are obliged to be aware of and follow all the established policies that have been created by the BEP.

Disciplinary Actions

Failure to comply with any part of the Code of Conduct's guidelines will result in appropriate disciplinary action as stated in the BEP policies. The party responsible for non-compliance will be subject to repercussions that vary in regards to the severity of the violation. Possible consequences will include reprimand, demotion, suspension or termination for more serious offences, and where warranted, legal action may be pursued in cases of corruption, theft, embezzlement, assault, or other unlawful behavior. Authorization for investigation shall be under the guidance of the state's Attorney General's Office.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

New BEP Vendor Payroll/Accounting Policy

PURPOSE/SCOPE

The purpose of this policy is to establish consistent procedures for new Business Enterprise Program (“BEP”) BEP vendors entering the program to manage their own payroll functions under their own accounting practices, procedures, and data systems.

PROCEDURES

General

This policy sets-forth the general budgeting and accounting procedures for use in the planning, budgeting, managing, and reporting of the new BEP vendors’ financial processes for payroll management. This policy is to be used as a tool to ensure that the BEP vendors’ budgetary, accounting, and financial information regarding payroll functions remains timely, easily accessible, and accurate.

The goals of this policy are to:

- ☐ Comply with all legislation, rules, and regulations;
- ☐ Establish accountability;
- ☐ Safeguard BEP vendor assets;
- ☐ Recognize and record all payroll transactions;
- ☐ Provide financial management information; and
- ☐ Ensure all financial processes are executed consistently, accurately, transparently, completely, economically, efficiently, effectively, responsibly, and in a timely manner.

BEP vendor Responsibilities

All new BEP vendors entering the program shall be responsible for securing an independent accounting firm and maintaining their own dedicated accountant to ensure segregation of fiduciary duties where payroll responsibilities are concerned. Each BEP vendor’s accountant shall maintain a dedicated spreadsheet depicting payroll records for the BEP vendor’s employees which shall include gross wage, all mandated Federal and State taxes and withholdings, any additional deductions which may be unique to the employee (i.e., child support, etc.), and final net wages. Upon signature approval of the BEP vendor, the spreadsheet shall be submitted to the State Licensing Agency (“SLA”) at the end of each profit and loss period (“P & L period”) along with the 10% Set-Aside check and any other accompanying documentation by the BEP vendor as required by the SLA. . The BEP vendor shall have the choice as to whether the accountant shall maintain the 10% Set-Aside responsibilities in addition to payroll duties. The cost of maintaining the accountant shall be reimbursed to the new BEP vendor from BEP accounts one (1) and/or three (3) via the Fiscal Unit of the Division for the Visually Impaired (“DVI”).

Internal Controls

This policy establishes Internal Controls to provide the SLA with reasonable assurances that new BEP vendor accounting policies and procedures are implemented and consistently followed to ensure efficient and effective organizational operations.

BEP's Internal Controls are intended to:

- Ensure that the BEP vendors' assets are safeguarded;
- Promote accuracy and reliability of the BEP vendors' payroll accounting data and records;
- Encourage compliance with all policies and procedures prescribed by the SLA; and
- Promote the operational efficiency of the BEP and SLA.

BEP's Internal Controls are structured around the below general guidelines:

Authorization – ensuring all payroll transactions are approved by the BEP vendor.

Validation – ensuring recorded payroll transactions represent actual payroll transactions.

Capture – ensuring all payroll transactions are documented and recorded.

Valuation – ensuring all amounts documented and recorded for payroll transactions are accurate.

Classification – ensuring all payroll transactions are assigned to the proper categories (e.g. overtime, holiday, sick, etc.), and sub-categories (e.g. type of payroll expense).

Cut-off – ensuring payroll transactions are recorded in the appropriate accounting period.

Access – ensuring only authorized individuals have appropriate access to payroll information consistent with their job responsibilities.

BEP's Internal Controls shall consist of the following procedures:

1. A reconciliation of each BEP vendors' payroll records, expenditures, and transactions shall be completed following the end of each P & L period by the SLA to ensure all generally accepted accounting practices are being adhered to on a consistent basis.
2. Upon completion of the reconciliation, the SLA shall certify (1) its completion of the P & L review of the BEP vendor's payroll records and practices, and (2) the SLA's findings as to whether:
 - a. There were any deficiencies that arose within each payroll period which could adversely affect the SLA's ability to record, process, summarize, and report financial data;
 - b. There were any material weaknesses identified in the BEP vendor's internal controls;

- c. Payroll transactions were properly reviewed and recorded prior to and during processing to ensure the proper delivery, receipt, and payment of payroll to employees;
 - d. Payroll expenditures reflect accurate charges and all discrepancies identified have been corrected.
3. Should it be found that the BEP vendor's independent accountant made a calculation error in the payroll factoring process, the SLA shall inform the Blind BEP Vendors Committee (BVC) of the discrepancies found, and shall work with the BEP vendor and their independent accountant to identify where the error(s) occurred and what safeguards may be implemented to avoid reoccurrences of these same errors in the future.
 4. Should it be found that the BEP vendor and/or their independent accountant willingly and knowingly misappropriated payroll funds, the Delaware Attorney General's Office shall be notified.

Segregation of Duties

The SLA shall ensure the segregation of duties for all BEP-related fiscal payroll responsibilities and methodologies. The segregation of duties shall divide the responsibility for a transaction or activity among different parties, so no one SLA employee has complete control over the oversight of payroll transactions.

This method of control increases the likelihood that if one person makes an error, another will discover it. Segregation of duties also reduces the risk that one person would perpetrate and/or conceal errors in the normal course of their duties.

The following procedures shall be adhered to by the SLA personnel:

1. The division of responsibility for payroll reconciliation and audit checking.
2. The quarterly reconciliation of payroll data and the final checking and approval of the reconciliation.
3. The division of responsibility between the person with the ability to enter or change payroll data and the person who provides the approval for the transaction.

Regarding the entering and maintaining of payroll data; the BEP vendor is not permitted to share logon IDs or passwords under any circumstances. Sharing this information is a direct security violation. Violation of security measures weakens the overall internal control structure of the SLA and the BEP vendor. The SLA shall promptly disable the BEP vendor's access to their payroll data system if the sharing of IDs and/or passwords is discovered.

The following activities shall be segregated:

- ☐ Time-keeping and supervision functions from personnel and payroll processing.
- ☐ Individuals responsible for hiring, terminating, and approving promotions should not be directly involved in preparing payroll transactions or inputting data.

- Individuals approving time sheets should not prepare or enter payroll transactions.
- Individuals performing payroll data entry should not have payroll approval authority.

Transparency

Fiscal transparency is a critical element of effective fiscal policymaking and the management of fiscal risks. To ensure fiscal responsibility of payroll disbursements, the SLA shall ensure the maintenance of an open and honest line of communication regarding all aspects of BEP's financial standings with the BVC and the DVI Director, Deputy Director, and all other parties designated under this authority to have such access to BEP account information.

Accountability

Government entities are held accountable for the efficient and economic operation of their programs and services. Government entities are also accountable for the results of their activities, as evidenced in accomplishments, benefits, and effectiveness. Governmental accountability extends to citizens and taxpayers; legislative and oversight bodies; and to investors, creditors, and others who are involved in the lending and support process.

Both the SLA and the BEP vendor personnel charged with fiduciary responsibilities are entrusted with integrity, honesty, and an expectation that the functions of their duties shall be carried out above reproach. Actions on behalf of both parties has a direct impact on employee's livelihoods, and dishonesty; be it blatant or through omission of information, cannot be tolerated on any level. Such actions shall be subject to disciplinary and law enforcement processes in concert with the Delaware Attorney General's Office and applicable laws.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP Bid Process

PURPOSE/SCOPE

To establish consistent procedures for the solicitation of Bids for primary and secondary BEP locations.

PROCEDURES

When a BEP Vending Facility becomes available, a notice of *Vending Facility Opportunity* is sent to all BEP Vendors and Licensees. An interested Vendor or Licensee must complete and submit an application to the State Licensing Agency (SLA) prior to the final filing date specified in the notification.

Interviews and selections are conducted by the Blind Vendors Committee (BVC) in conjunction with the BEP director and/or designee. Final notification of award is disseminated within ten (10) business days of the notice closing to the selected candidate(s).

Bid announcements for a facility shall be sent to all licensed BEP vendors within the state. Only licensed BEP vendors are eligible to Bid on an open site announcement. No individual currently enrolled in training, on provisional license status, or who does not possess a current valid full license shall be eligible to apply for an open Bid solicitation.

All Bid announcements shall be sent electronically via e-mail. The BEP vendor's signature on the Bid announcement shall authorize the Agency to release to members of the interviewing Panel information relative to the record of performance of the BEP vendor for the preceding twelve (12) month period. In addition, the signature of the BEP vendor on the Bid announcement authorizes the release of all information relative to the financial debt status of the BEP vendor. Failure to sign the Bid shall disqualify the BEP vendor and they shall not be eligible to compete through the Bid process.

BEP vendors shall electronically submit Bids via e-mail to the state's BEP Resource Account electronic mailbox with copy directly to the BEP Director's state e-mail account as a secondary measure. The BEP Recourse Account electronic mailbox is: delawarebepteam@state.de.us By submitting a Bid electronically via the above-mentioned state e-mail accounts, the BEP vendor stipulates agreement that the Agency may release the above-referenced financial debt information to members of the Interview Panel. The Bid announcement shall remain open for a period of ten (10) business days. Upon the closing of the Bid announcement, the SLA shall provide to the BVC a complete list of all BEP vendors who have submitted bids. Thereafter, the SLA shall make the site award within ten (10) business days pursuant to the procedures set-forth within this Policy.

Eligibility for Bid Consideration:

- A. the BEP vendor is not eligible to have his Bid considered if at the time of the Bid announcement;
- B. the BEP vendor is delinquent with respect to the filing of any reports required by the State of Delaware or is delinquent with respect to any financial obligations owed to the State of Delaware;*
- C. the BEP vendor does not possess the certification required by the facility announced for Bid;

D. the BEP vendor has refused the award of another facility during the previous twelve (12) months; or,

E. the BEP vendor has failed to appear for a scheduled Bid/site interview within the previous twelve (12) months. (This provision shall not apply if the BEP vendor withdrew from consideration at least 48-hours prior to the scheduled interview).

*Should the bidding vendor present compelling reasoning to the SLA and the BVC for delinquency regarding any financial obligation owed to the State of Delaware, the bidding vendor may be granted an exception to the delinquency and be permitted to enter a bid pending the decision of the SLA and BVC. However; if a vendor is currently already on probationary status for delinquency debt owed to the State of Delaware, or for any additional fiduciary disciplinary cause, said vendor shall not be permitted to enter a Bid.

After the closing of Bids and the review and certification of the BVC with respect to seniority and certification of all Bidding BEP vendors, qualified BEP vendors from those submitting Bids shall be selected to compete for the open site. The basis for this selection shall be seniority provided the BEP vendor possesses the necessary certification(s). The Agency shall contact the top candidates to determine their interest in the interview process. If one or more of these candidates decline, the BEP vendor or BEP vendors having the next greatest amount of seniority and the required certification(s) shall be selected.

After the selection process is complete, the qualified candidates shall be interviewed by a Panel consisting of the Director of the Business Enterprise Program (or designee), other members of the SLA at the Director's discretion, and the BVC. Upon completion of the interview process, the successful BEP vendor shall be awarded the Bid within ten (10) working days from the date the Agency receives certification from the BVC. This verbal certification shall not be sought until after the candidates have been cleared by the Division's Fiscal Unit as eligible to interview.

On the date the interviews are conducted, the SLA representative shall share with other Panel members the record of performance of the candidates to be interviewed. All information provided to Panel members including the interview is of a confidential nature and all Panel members are precluded from discussing the interview with persons outside of the Panel.

Candidates shall be interviewed individually and should be prepared to answer questions posed by the interview Panel in the following areas:

- A. Work History
- B. Business Planning
- C. Record Keeping
- D. Merchandising and displaying techniques
- E. Handling of complaints
- F. Refund Policy
- G. Pricing Philosophy
- H. Dealing with competition
- I. Personnel Policies

The above are general categories and no Panel member is required to ask questions in a specific area.

Panel members may ask questions in other areas as well provided that the questions do not pertain to matters relating to the BEP vendor's personal life or questions related to race, color, national origin, religion, disability, age, or gender.

The Panel shall rate each candidate based upon his/her records of performance (including years of service), responses received to questions, as well as personal appearance, demeanor, and attitude. To demonstrate one's record of performance, a BEP vendor who is being interviewed shall be allowed to submit letters of recommendation written on their behalf, as well as, any other documentation they would like to provide. However, it would be improper for a Committee representative or an SLA staff person to write a letter on behalf of any candidate. If in the opinion of a Panel member, two or more candidates are equal, the Panel member shall give the highest rating to the candidate possessing the greatest amount of seniority. If once a decision is made and an offer extended, the candidate elects not to accept the award, the candidate receiving the next highest rating shall be awarded the facility. In the event two candidates receive the same rating, the BEP vendor having the greatest seniority shall be awarded the facility.

In the event only one BEP vendor Bids on a vacant facility, and said vendor meets the qualifications for Bid, the SLA shall advise the BEP vendor that the facility is being awarded to them. The BEP vendor shall be given forty-eight (48) hours to either accept or reject the award. If the BEP vendor elects not to accept the award, there shall be no consequences in the way of penalties.

Even though the awarding of the facility may have been made, the BEP vendor must be current with respect to all financial obligations owed to the State before assuming the operation of the facility as a permanent assignment. If delinquencies are identified, the BEP vendor shall have thirty (30) days to liquidate the indebtedness. Failure to do so within the prescribed period of time shall result in the SLA revoking the award of the facility and proceeding to award the facility to the BEP vendor possessing the next highest rating from the interviewing Panel. If no additional BEP vendors submitted a Bid, the site shall be placed for open Bid again.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Recruitment/Enrollment/Training of BEP Vendors

Originally approved by RSA on 1/5/16.

RESUBMISSION DRAFT W/CHANGES: 6/17

PURPOSE/SCOPE

To establish consistent procedures for recruiting, enrolling, and training blind individuals to serve as vendors of vending facilities on federal, state, and other properties.

PROCEDURES

1. Recruitment and Enrollment

The path for an individual who is blind to become a BEP licensed vendor begins with the Vocational Rehabilitation (VR) Counselor. The Division for the Visually Impaired recommends that individuals go through the VR Program to be referred to BEP. The BEP Director shall review potential candidates and communicate with the VR Counselors and clients to ensure the referral is an appropriate candidate for BEP; and if not; aid in determining what additional training or other opportunities might be better suited for the candidate.

Addendum 11/16: Because a BEP vendor must be able to establish credit in good standing with third-party vendors for the purchase of products; should an applicant to the BEP have a bankruptcy on their record dating back to the last five (5) years and/or a credit score of below 650, the VR Counselor shall refer them to the State of Delaware's Stand By Me Program (a financial counseling program) for financial planning services. Upon the removal of the bankruptcy and/or the improvement of their credit score to at least 650, they may reapply for acceptance into the BEP.

The VR Counselors make referrals of qualified clients who are interested in careers as BEP licensed blind vendors based upon the VR Unit staff's testing and certifying verification to the BEP Director. The minimum criteria for referral are:

- Certified as legally blind by an ophthalmologist or optometrist
 1. Not more than 20/200 central visual acuity in the better eye with corrective lens;
 2. An equally disabling loss of vision, as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.
- Minimum 18 years of age (internships may begin as early as age 16);
- **Addendum 5/11/17:** Computer proficiency testing to include Microsoft Office (Word/Excel), use of e-mail, Job Access with Speech (JAWS), and any additional technology-based programs that they (the individual) might currently be using.

- Credit check (Equifax, Experian, or Transunion accepted) to assure no prior defaults, bankruptcies or significant outstanding debts that would prevent the potential vendor from operating a business;
- Demonstrated 8th grade math, writing, grammar, English, and reading levels as evidenced by results of standardized assessment results. If an individual does not meet these academic performance levels a meeting with the Division's Vocational Rehabilitation Unit will be scheduled to determine if remediation would be available to a potential candidate;
- Review of psychological, medical, and vocational evaluations with VR Counselor, as well as a state and federal criminal background check with no confirmed felonies that would prohibit placement into an State Licensing Agency (SLA) established facility;
- Ability to perform the physical requirements of operating a BEP facility (reasonable accommodations apply);
- TB testing with confirmed negative results.

In addition to the above, the client shall be subject to a reference check and registry review as indicated below:

[NSOPW](#) (National Sex Offender Registry Base)

<https://pubsrv.deljjs.delaware.gov/WantedPublic/> (Delaware Criminal Justice Information System-Wanted Person Review).

<http://dhss.delaware.gov/dhss/dltcrp/Default.aspx> (DHSS Adult Abuse Registry Check)

3. Training

Training is an on-going process divided into three phases; classroom, on-the-job training (OJT), and post training.

A. Classroom Training

- **Addendum 5/25/17: A standardized interview with a DVI staff representative, an SLA representative, and two licensed blind vendors shall be conducted. In the event of a tie vote, the final decision on the candidate's viability for the program shall be decided by the Director's Office.**

Once the candidate successfully completes the recruitment and enrollment phases as outlined above, the BEP Director shall coordinate dates with the VR Counselor and client for the client to begin the Vendor training program through the Hadley School for the Blind (www.hadley.edu). This training prepares the client to work in a BEP established environment and learn more about the program including an in depth understanding of the Randolph Sheppard Act, BEP Regulations, recordkeeping, and other relevant business management practices. BEP reserves the right to accept or decline proof of transcript of a business or related degree from an accredited four year institution of higher education in lieu of Hadley School for the Blind Training, but shall still require the candidate to complete the Randolph-Sheppard Act Training curriculum offered through the BEP State Location Agency (SLA).

- Certification in ServSafe, a nationally recognized food safety course. The Hadley School for the Blind only prepares the student to take the ServSafe certification at a local facility, they do not provide the ServSafe certification directly through Hadley.

B. On-The Job Training (OJT)

OJT shall be accomplished through a minimum of 12-weeks of training funded at minimum wage rate at a set number of hours per week established in coordination with the VR program. OJT may begin after successful demonstration of completion of eight (8) out of eleven (11) of the Hadley School for the Blind modules or provide proof of transcript of a business or related degree from an accredited institution as outlined above.

- The BEP Director shall be engaged in the training of the following demonstrated skills and proficiencies with accommodations in place for the candidate in order to develop the candidate's skill set as a BEP operator during OJT:
 1. Independent orientation and mobility
 2. Accurate coin and bill identification with a bill reader
 3. Making change with a change maker
 4. Working independently
 5. Communicating effectively
 6. Physical stamina

During this time frame monthly reports and meetings will be conducted with the VR counselor and candidate. In addition, during the 12-week OJT timeframe, the trainee shall learn valuable customer service skills directly from experienced licensed blind vendors or the SLA staff who operate businesses.

After successfully completing the classroom and OJT training as well as probationary status, the trainee moves from being a "trainee" to being a certified "licensee candidate", who is now eligible to apply to operate a vacant BEP location. If the trainee is unsuccessful, the BEP Director shall confer with the VR counselor to discuss the trainee's situation, and based upon mutual agreement towards the continuation or discontinuation of the trainee's participation within the program, may either extend the probationary period for an additional three (3) months, or revert the trainee back to the VR counselor for additional assessment.

C. Post Training

This process begins after licensee-candidate certification and includes:

- Obtainment of a Federal Employee Identification Number (EIN) and business registration with the State of Delaware Prothonotary's Office.
- Establishment of a business bank account.
- Application/bid procedure for a vacant location;

- A minimum one-year “working test” under Licensee status, with the provisional vendor and SLA adhering to a mutually signed agreement of responsibilities. A provisional vendor shall practice every facet of small business operation: inventory, cash handling safeguards and procedures, acceptable accounting practices, hiring/terminating employees, payroll, purchasing, customer service, maintenance of equipment, the establishment and maintainment of business third-party accounts such as with Sysco, Canteen, etc., and other such banking initiatives.
- Licensed Blind Vendor status is obtained after the successful completion of the one-year probationary period.
- The SLA, in coordination with the Vocational Rehabilitation Unit, shall provide upward mobility training to licensees on a continuous basis, as per the Federal Regulations, 395.11.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP Probationary Supporting Documentation Guidelines

PURPOSE/SCOPE

To establish consistent procedures for both new BEP vendors on probationary status as well as current BEP vendors on disciplinary probationary status for the submission of back-up and supporting documentation to the Division's Fiscal Unit.

PROCEDURES

General

This policy sets-forth the guidelines and requirements for the submission of required fiscal documentation to the Division's Fiscal Unit within the required established time-frames by BEP vendors either on new-vendor probationary status or disciplinary probation status. This policy is to be used as a tool to ensure that the vendor's budgetary, accounting, and financial information regarding payroll functions remains timely, easily accessible, and accurate.

BEP vendors are required to turn in all fiscal documentation to the Division's Fiscal Unit by the seventh (7th) of every month. This shall include all receipts (cash, check, charge) for sale revenues; expenditure receipts for product, equipment, and other such related business expenditures; time sheets and other payroll documentation, other cash disbursements; and any other transaction records applicable to the BEP vendor's business operation.

The fact that a BEP vendor may be on probationary status; be it for new vendor status or disciplinary circumstances; does not preclude the vendor from adhering to the requirement set-forth in the *BEP Accounting Practices Policy*, as excerpted, in part, below:

"All probationary and licensed vendors will turn in their draft profit and loss statement to the DVI fiscal officer no later than the 7th day of each month. All probationary and licensed vendors shall receive an email on the 1st of the month (or first State workday of the month) from the DVI fiscal officer notifying them of their responsibility for timely submission of the profit and loss statement with all corresponding source documentation as applicable (e.g. receipts, checks, bank records, financial statements). On a semi-annual basis (twice per program year) all vendors will participate in a random audit of their financial statements which shall include the requirement to submit all receipts for the requested month to the DVI Fiscal Officer in addition to the draft profit and loss statement no later than the seventh (7th) day of each month. If findings are substantiated where receipts are not properly accounted for, the SLA shall continue to request receipts in each successive pay period until the draft profit and loss statements are submitted correctly. Vendors will still be required to submit their monthly reports; however, supporting receipt documentation shall not be required unless requested. The SLA shall notify vendors of their audit dates with a minimum of at least five (5) business days prior to the audit start-date. Receipts shall be randomly requested for time-frames within the previous six (6) months for audit purposes".

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

BEP External Requests of Business Opportunities

PURPOSE/SCOPE

The purpose of this policy is to establish consistent procedures for review and response to external requests and inquiries for analyzing potential new business opportunities for the Business Enterprise Program (the “BEP”) to pursue.

PROCEDURES

A) Internal

In addition to the State Licensing Agency (the “SLA”) reviewing potential business opportunities for the BEP Blind Vendors Committee (the “BVC”) to consider for new business pursuit, there are occasions when external entities such as the general public, advocates, and state officials forward potential new business requests and inquiries for consideration and feedback. In these circumstances, the following process shall be followed and adhered to.

1. The Director and/or Deputy Director of The Division for the Visually Impaired (“DVI”) receives information from an external entity with a potential new business opportunity (each a “Business Opportunity”) for the BEP to analyze and/or pursue.
2. The DVI Director and/or Deputy Director forwards the information to the DVI employee designated as the Division point-of-contact for BEP Business Opportunities (the “POC”) for analysis.
3. The POC thoroughly reviews the information relating to the Business Opportunity and gathers any necessary ancillary information pertaining to the requirements of the project.
4. The POC then forwards the information relating to the Business Opportunity to the BVC and the BEP Director with a brief synopsis of the scope of work entailed, the requirements of the project, and any other information pertaining to the Business Opportunity for their review.
5. Unless a later deadline is specified by the POC, the BVC shall respond to the POC within two (2) business days as to whether they recommend that the BEP pursue the Business Opportunity. In order for the BVC to recommend pursuit of the Business Opportunity, at least two (2) members of the BVC must vote in favor of such a recommendation.

PROCEDURES

B) External Response

Upon response to the POC by the BVC with a recommendation, the POC shall perform the following functions.

1. The POC shall develop a spreadsheet with the date of receipt of the request, the title of the proposed Business Opportunity, bid number if applicable, due date of project, a brief description of the Business Opportunity, and the recommendation of the BVC with a brief

synopsis as to the BVC's decision should they reject the proposed Business Opportunity. This spreadsheet shall be maintained on the DVI shared file drive for employee access.

2. The POC shall forward the comments of the BVC to the DVI Director and Deputy Director within two (2) business days of receipt for response back to the external requesting entity.
3. The POC shall ensure maintenance of the spreadsheet for the DVI Director and Deputy Director to have as a presentation mechanism to any interested parties.
4. Should the BVC recommend pursuit of a given Business Opportunity, the POC shall begin the process of formulating a proposal response for submission to the applicable entity, and arrange for the attendance to any required meetings or other submission requirements. The POC shall engage the SLA, the BVC, the Director's Office, and any other entity throughout the process conducive to the successful response to said project entity.

Attached hereto are excerpts of certain applicable provisions of the Randolph-Sheppard Act.

This policy shall be effective upon documented approval from the Rehabilitation Services Administration.

Randolph-Sheppard Act Excerpts:
Elected Committee Mandate & Active Participation Mandate

§ 395.14 The State Committee of Blind Vendors.

(a) The State licensing agency shall provide for the biennial election of a State Committee of Blind Vendors which, to the extent possible, shall be fully representative of all blind vendors in the State program on the basis of such factors as geography and vending facility type with a goal of providing for proportional representation of blind vendors on Federal property and blind vendors on other property. Participation by any blind vendor in any election shall not be conditioned upon the payment of dues or any other fees.

(b) The State Committee of Blind Vendors shall:

- (1) Actively participate with the State licensing agency in major administrative decisions and policy and program development decisions affecting the overall administration of the State's vending facility program;
- (2) Receive and transmit to the State licensing agency grievances at the request of blind vendors and serve as advocates for such vendors in connection with such grievances;
- (3) Actively participate with the State licensing agency in the development and administration of a State system for the transfer and promotion of blind vendors;
- (4) Actively participate with the State licensing agency in the development of training and retraining programs for blind vendors; and
- (5) Sponsor, with the assistance of the State licensing agency, meetings and instructional conferences for blind vendors within the State.

§ 395.3 Application for designation as State licensing agency; content.

(a) An application for designation as a State licensing agency under § 395.2 shall indicate:

4) The methods to be used to ensure the continuing and active participation of the State Committee of Blind Vendors in matters affecting policy and program development and administration.

§ 395.7 The issuance and conditions of licenses.

(a) The State licensing agency shall establish in writing and maintain objective criteria for licensing qualified applicants, including a provision for giving preference to blind persons who are in need of employment. Such criteria shall also include provisions to assure that licenses will be issued only to persons who are determined by the State licensing agency to be:

- (1) Blind;
- (2) Citizens of the United States; and
- (3) Certified by the State vocational rehabilitation agency as qualified to operate a vending facility.

(b) The State licensing agency shall provide for the issuance of licenses for an indefinite period but subject to suspension or termination if, after affording the vendor an opportunity for a full evidentiary hearing, the State licensing agency finds that the vending facility is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, and the terms and conditions of the agreement with the vendor.

(c) The State licensing agency shall further establish in writing and maintain policies which have been developed with the active participation of the State Committee of Blind Vendors and which govern the duties, supervision, transfer, promotion, and financial participation of the vendors. The State licensing agency shall also establish procedures to assure that such policies have been explained to each blind vendor.

The setting aside of funds by the State licensing agency.

(a) The State licensing agency shall establish in writing the extent to which funds are to be set aside or caused to be set aside from the net proceeds of the operation of the vending facilities and, to the extent applicable, from vending machine income under § 395.8(c) in an amount determined by the Secretary to be reasonable.

(b) Funds may be set aside under paragraph (a) of this section only for the purposes of:

- (1) Maintenance and replacement of equipment;
- (2) The purchase of new equipment;
- (3) Management services;
- (4) Assuring a fair minimum of return to vendors; or
- (5) The establishment and maintenance of retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is so determined by a majority vote of blind vendors licensed by the State licensing agency, after such agency provides to each such vendor information on all matters relevant to such proposed purposes.

(c) The State licensing agency shall further set out the method of determining the charge for each of the above purposes listed in paragraph (b) of this section, which will be determined with the active participation of the State Committee of Blind Vendors and which will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The State licensing agency shall maintain adequate records to support the reasonableness of the charges for each of the purposes listed in this section, including any reserves necessary to assure that such purposes can be achieved on a consistent basis.

Amend Title 16 § 9602(9) by deleting it in its entirety and replacing it with the following:

(9) Public Property means any building or property owned or leased by the State, County, and Municipalities and used for governmental purposes.

Amend Title 16 § 9606 by deleting it in its entirety and replacing it with the following:

§ 9606 Food Service on Public Property.

(a) If any agency of this State intends to operate or continue food service on a public property, that agency shall procure such food service from the Delaware Division for the Visually Impaired under the vending facility program authorized by 20 U.S.C. § 107 et seq. The Division for the Blind and Visually Impaired shall have exclusive rights to provide such food services except as provided for in Subsection (e) below.

(b) No agency shall charge the Division for the Visually Impaired or its food service vendors rent, utilities, or commissions for food service operations operated under this section. In the event the Delaware Division for the Visually Impaired certifies in writing that it is unable to provide food service to an agency of this State who requests such service, the agency may seek food service other than vending machines from another provider. Upon the expiration of any contract for food service procured by an agency of this State pursuant to such a waiver granted by the Division for the Blind and Visually Impaired, such agency shall again offer the service to the Division for the Blind and Visually Impaired.

(c) If an agency of this State desires vending machine services and the Delaware Division for the Blind and Visually Impaired determines there is not sufficient patronage or a blind vendor is not available at the time, it shall arrange for services from a third party vendor. Any commissions from said vending machines shall accrue to the Division for the Blind and Visually Impaired and shall be used for the same purposes as outlined in 20 U.S.C. § 107d-3. The final determination on how such funds shall be expended shall be made by the Division for the Blind and Visually Impaired after affording the Committee of Blind Vendors the opportunity to actively participate as required by 20 U.S.C. § 107b-1.

(d) This section does not impair any contracts by agencies of this State validly existing prior to the effective date of this act; however, at the expiration of such existing contracts, the mandates contained in this section shall be binding on the agency.

(e) Nothing in this section shall be construed to preclude a public university from procuring campus-wide food services for the benefit of their students. The Division for the Blind and Visually Impaired shall not be entitled to any revenue generated by these food services. However, the public university is

still required to provide space in accordance with this part for the operation of one or more vending facilities to be operated by the Division for the Blind and Visually Impaired. Subsection (b) above shall apply to any such vending facility operated by the Division for the Blind and Visually Impaired on any public university campus.

(f) The Secretary of the Department of Health and Social Services shall have the power to promulgate all rules and regulations necessary to accomplish the purposes of this section.

Delaware DVI Vocational Rehabilitation 2019 Snapshot

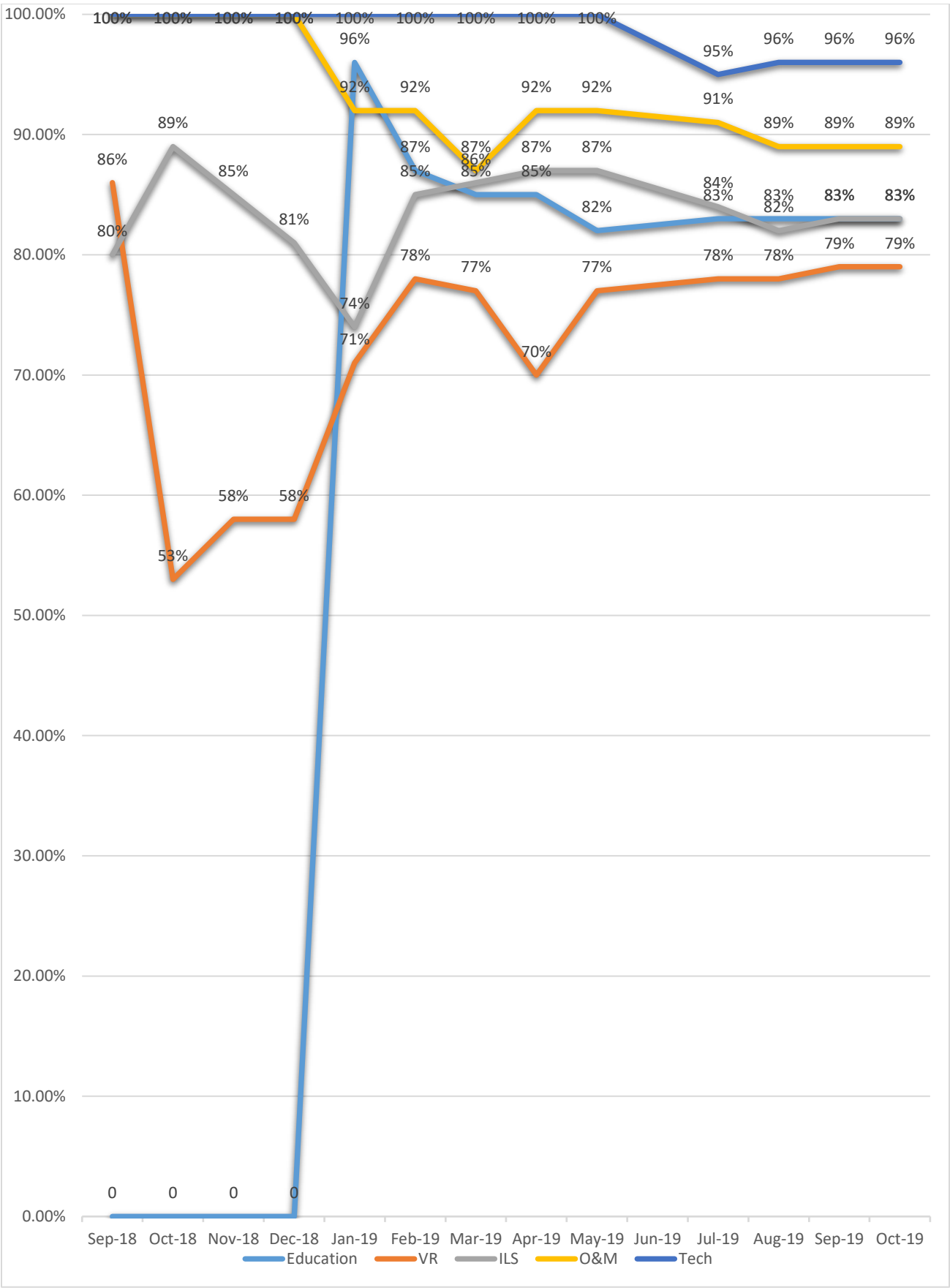
Report Timeframe: Oct. 1, 2018 – Sept. 30, 2019*

Status number**	Status definition	2019 snapshot (#)
00	Referred	12
02	Intake	13
08	Ineligible	26
06	Trial Work Experience	1
10	Individualized Plan for Employment	10
12	Services initiated	17
16	Physical/mental restoration	1
17	Transition	36
18	Training	44
20	Ready for Employment	34
22	Employed	10
24	Services interrupted	4
26	Closed – Employed 90 days	35
28	Closed w/o employment	23
30	Closed prior to services	14
32	Post-employment	1

*Data provided to provide a general process outline of the Vocational Rehabilitation program from beginning to end. These numbers change almost daily for some people as they move through the early statuses. Example: Someone could be in training for a few years if they are in college.

**Status is the number that represents where a person is at in the process, it's more of a function of DVI's case management system, but important to know in case people use the status number as a reference.

For example, when a person is said to be in status 00, that means they have been referred, but have not met with a counselor yet. When a person is said to be in status 10, they are ready to develop a plan for employment, but it's not signed, and services have not yet been implemented. Status number 18 shows the number of consumers who are in some type of training program.



*Education surveys started in January 2019

Chart Data

	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jul-19	Aug-19	Sep-19	Oct-19
Education	-	-	-	-	96%	87%	85%	85%	82%	83%	83%	83%	83%
VR	86%	53%	58%	58%	71%	78%	77%	70%	77%	78%	78%	79%	79%
ILS	80%	89%	85%	81%	74%	85%	86%	87%	87%	84%	82%	83%	83%
O&M	100%	100%	100%	100%	92%	92%	87%	92%	92%	91%	89%	89%	89%
Tech	100%	100%	100%	100%	100%	100%	100%	100%	100%	95%	96%	96%	96%

*Education surveys started in January 2019

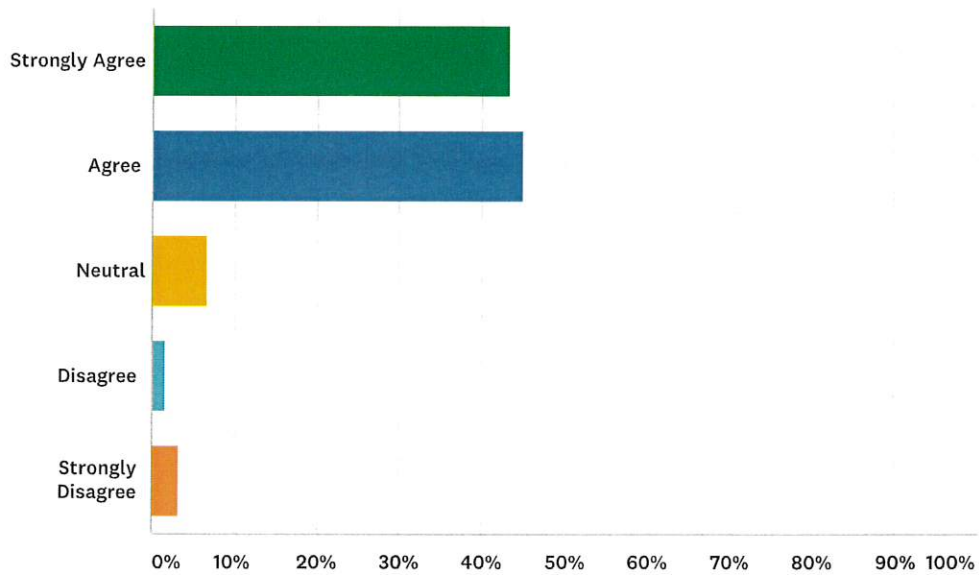
DVI Customer Satisfaction Survey Results from Survey Monkey				
Unit	Number of Responses	% of Responses (Total = 360)	Unweighted Satisfaction Rate (satisfied/highly satisfied)	Net Weighted Satisfaction Rate (satisfied/highly satisfied)
Education	60	0.166666667	83%	0.138333333
VR	152	0.422222222	79%	0.333555556
ILS	84	0.233333333	83%	0.193666667
O&M	40	0.111111111	89%	0.098888889
Tech	24	0.066666667	96%	0.064
Total	360	1	430%	82.84444444
	Total Number of Responses: 360	Total % of Responses: 1	Unweighted Average Satisfaction Rate: 86%	Net Weighted Satisfaction Rate: 82.84444
360 total responses				
Net Weighted Satisfaction Rate: 82.84%				

Pages 547 – 607 show the full surveys and total data collected from the survey questions and time frames as outlined below.

- **Education - Overall Satisfaction Rating: 83%**
 - Data collected from January 2019 through October 2019.
 - Data collected from survey question number 11, page 557, from answer choices indicating "excellent" and "good" service.
- **VR (Vocational Rehabilitation) - Overall Satisfaction Rating: 79%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 2, page 562, from answer choices indicating "highly satisfied" and "satisfied" with the quality of service.
- **ILS (Independent Living Services) - Overall Satisfaction Rating: 83%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 9, page 580, from answer choices indicating "excellent" and "good" service.
- **O&M (Orientation & Mobility) - Overall Satisfaction Rating: 89%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 5, page 588, from answer choices indicating "strongly agree" and "agree" regarding service satisfaction.
- **Tech (Assistive Technology) - Overall Satisfaction Rating: 96%**
 - Data collected from September 2018 through October 2019.
 - Data collected from survey question number 4, page 599, from answer choices indicating "very satisfied" and "satisfied" with effectiveness of service.

Q1 The Teacher of the Visually Impaired developed and implemented goals appropriate for my child.

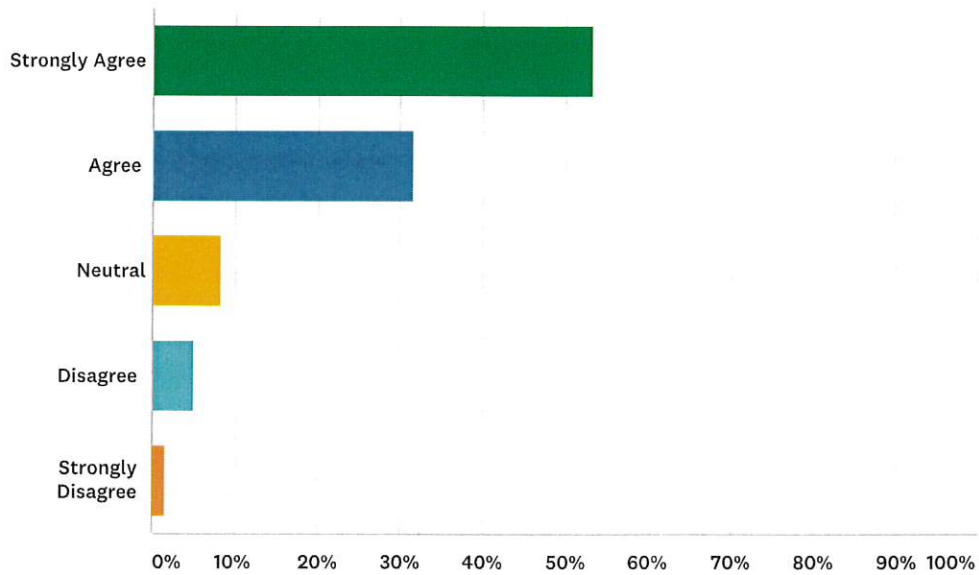
Answered: 60 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	43.33%	26
Agree	45.00%	27
Neutral	6.67%	4
Disagree	1.67%	1
Strongly Disagree	3.33%	2
TOTAL		60

Q2 The Teacher of the Visually Impaired worked collaboratively with my child's Educational Team.

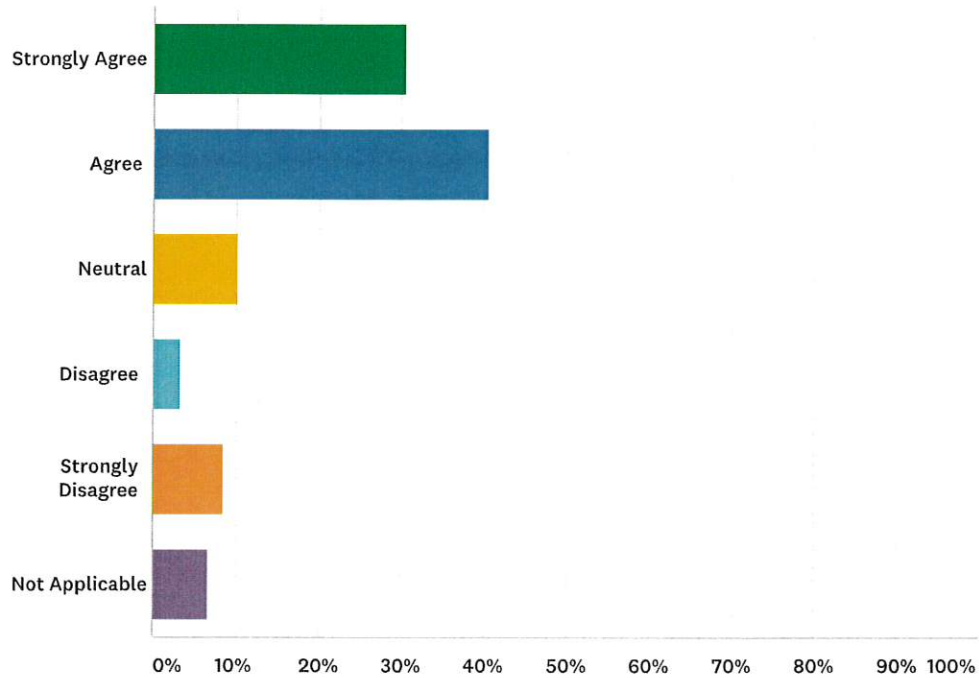
Answered: 60 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	53.33%	32
Agree	31.67%	19
Neutral	8.33%	5
Disagree	5.00%	3
Strongly Disagree	1.67%	1
TOTAL		60

Q3 The quarterly progress reports provided by my child's Teacher of the Visually Impaired provided valuable information.

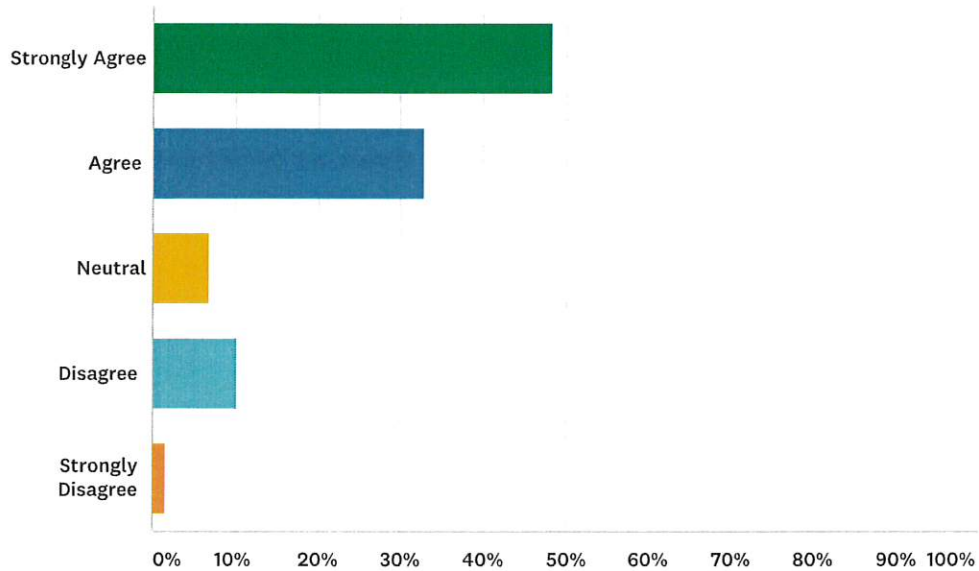
Answered: 59 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Agree	30.51%	18
Agree	40.68%	24
Neutral	10.17%	6
Disagree	3.39%	2
Strongly Disagree	8.47%	5
Not Applicable	6.78%	4
TOTAL		59

Q4 The Teacher of the Visually Impaired was responsive and timely to my child and family's needs.

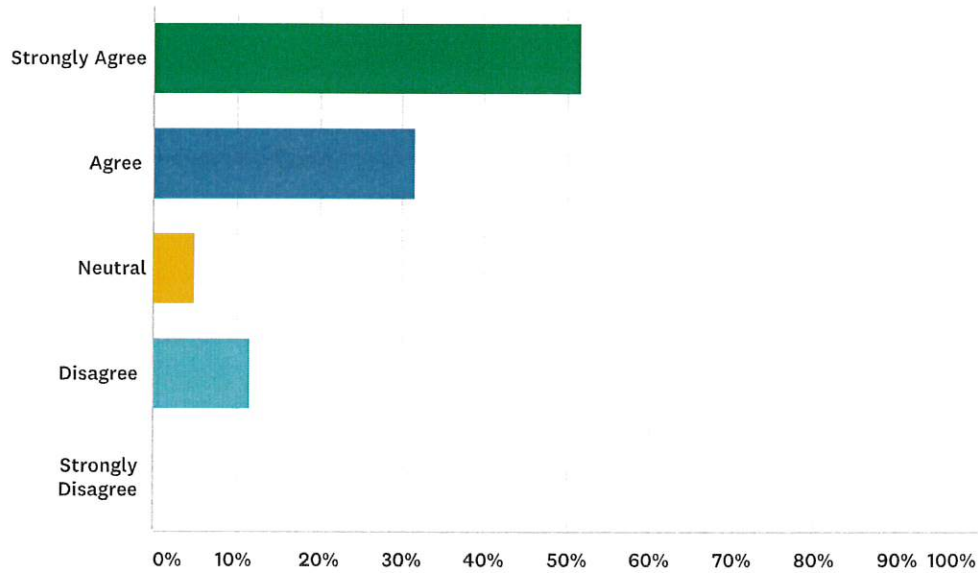
Answered: 58 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly Agree	48.28%	28
Agree	32.76%	19
Neutral	6.90%	4
Disagree	10.34%	6
Strongly Disagree	1.72%	1
TOTAL		58

Q5 The Teacher of the Visually Impaired clearly communicated my child's specialized needs during the Education Team meetings.

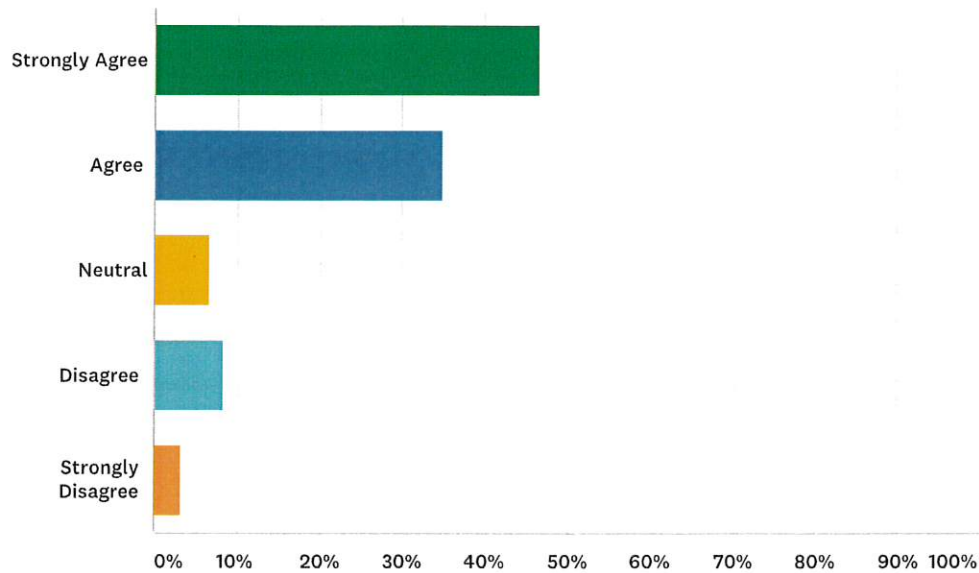
Answered: 60 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	51.67%	31
Agree	31.67%	19
Neutral	5.00%	3
Disagree	11.67%	7
Strongly Disagree	0.00%	0
TOTAL		60

Q6 The Teacher of the Visually Impaired consulted clearly and concisely with the Education Team and my family about the specific visual needs for my child.

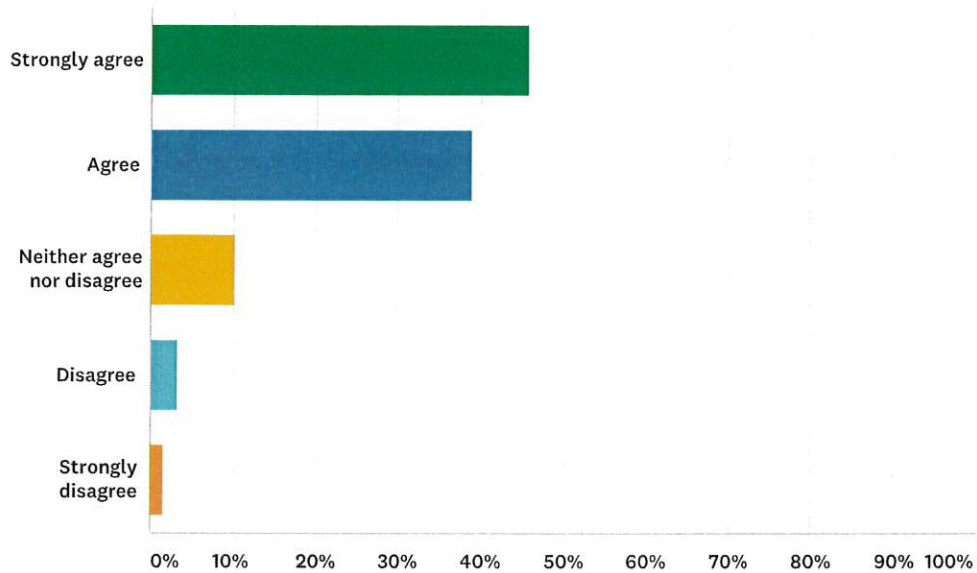
Answered: 60 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	46.67%	28
Agree	35.00%	21
Neutral	6.67%	4
Disagree	8.33%	5
Strongly Disagree	3.33%	2
TOTAL		60

Q7 The Teacher of the Visually Impaired was well prepared for Education Team meetings.

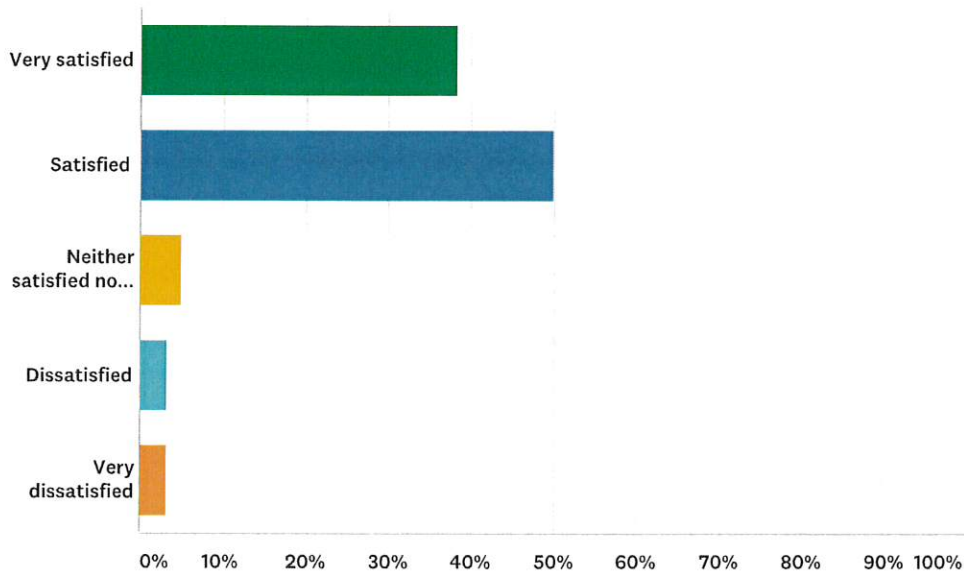
Answered: 59 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly agree	45.76%	27
Agree	38.98%	23
Neither agree nor disagree	10.17%	6
Disagree	3.39%	2
Strongly disagree	1.69%	1
TOTAL		59

Q8 The Teacher of the Visually Impaired demonstrated knowledge in developing critical content and concepts specific for my child.

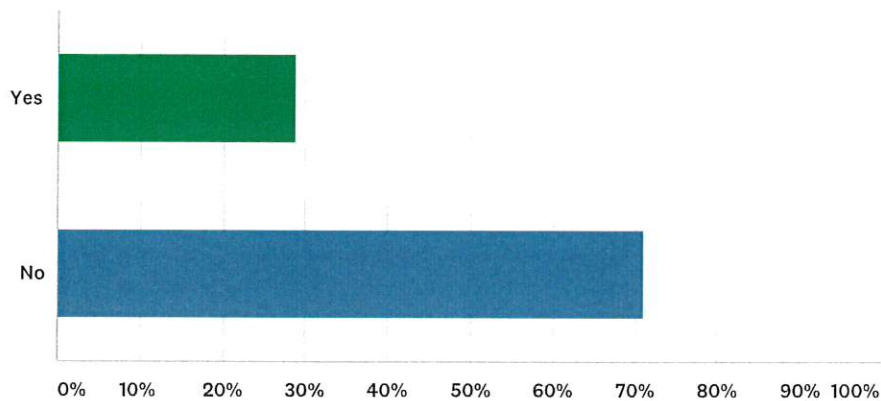
Answered: 60 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very satisfied	38.33%	23
Satisfied	50.00%	30
Neither satisfied nor dissatisfied	5.00%	3
Dissatisfied	3.33%	2
Very dissatisfied	3.33%	2
TOTAL		60

Q9 I utilize more than one DVI service.

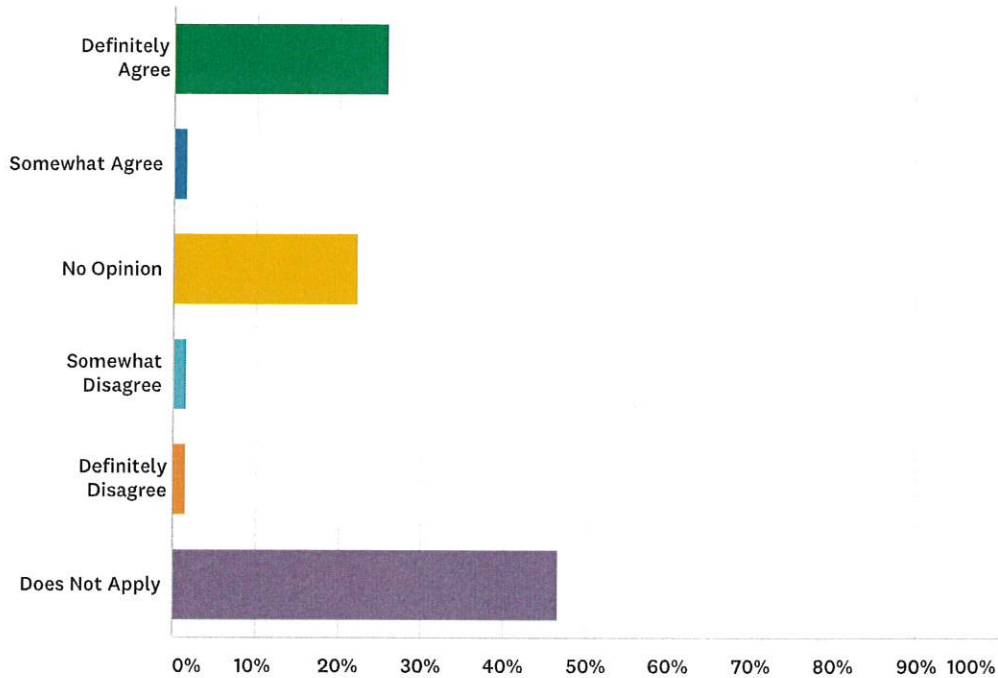
Answered: 59 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	28.81%	17
No	71.19%	42
TOTAL		59

Q10 If you utilize more than one DVI service, do you find DVI's services well-coordinated and easy to navigate?

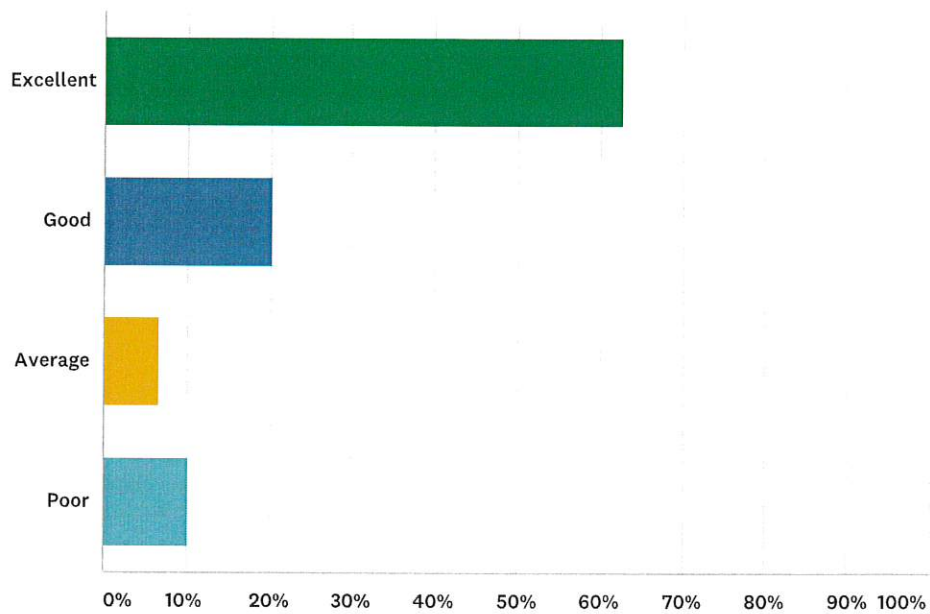
Answered: 58 Skipped: 2



ANSWER CHOICES	RESPONSES	
Definitely Agree	25.86%	15
Somewhat Agree	1.72%	1
No Opinion	22.41%	13
Somewhat Disagree	1.72%	1
Definitely Disagree	1.72%	1
Does Not Apply	46.55%	27
TOTAL		58

Q11 The quality of services provided have been:

Answered: 59 Skipped: 1



ANSWER CHOICES	RESPONSES	
Excellent	62.71%	37
Good	20.34%	12
Average	6.78%	4
Poor	10.17%	6
TOTAL		59

Q12 Do you have any comments or recommendations for improvement?

Answered: 53 Skipped: 7

Q13 If you would like to be contacted regarding your comments, please enter your contact information.

Answered: 11 Skipped: 49

ANSWER CHOICES	RESPONSES	
Name	100.00%	11
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	90.91%	10
Phone Number	100.00%	11

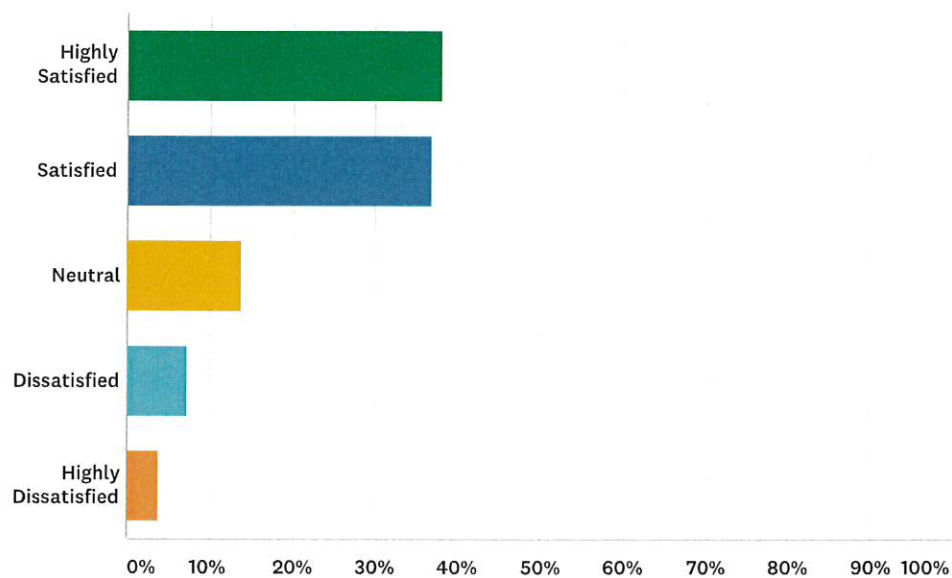
**Q14 If you would like to be included in a monthly drawing for a prize,
please share your contact information.**

Answered: 30 Skipped: 30

ANSWER CHOICES	RESPONSES	
Name	100.00%	30
Company	0.00%	0
Address	96.67%	29
Address 2	6.67%	2
City/Town	96.67%	29
State	96.67%	29
ZIP Code	96.67%	29
Country	0.00%	0
Email Address	56.67%	17
Phone Number	96.67%	29

Q1 How satisfied are you with the timeliness of services?

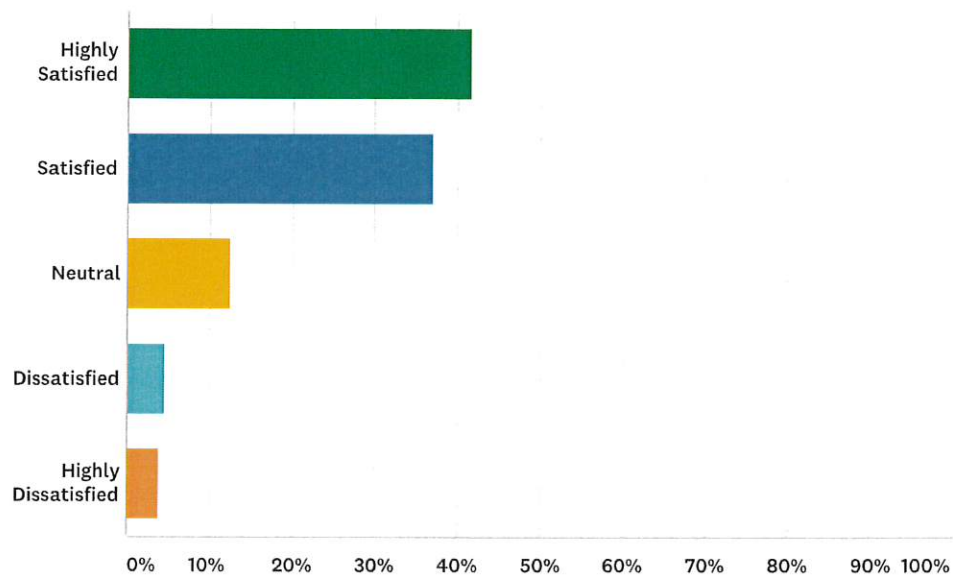
Answered: 152 Skipped: 0



ANSWER CHOICES	RESPONSES	
Highly Satisfied	38.16%	58
Satisfied	36.84%	56
Neutral	13.82%	21
Dissatisfied	7.24%	11
Highly Dissatisfied	3.95%	6
TOTAL		152

Q2 How satisfied are you with the quality of services?

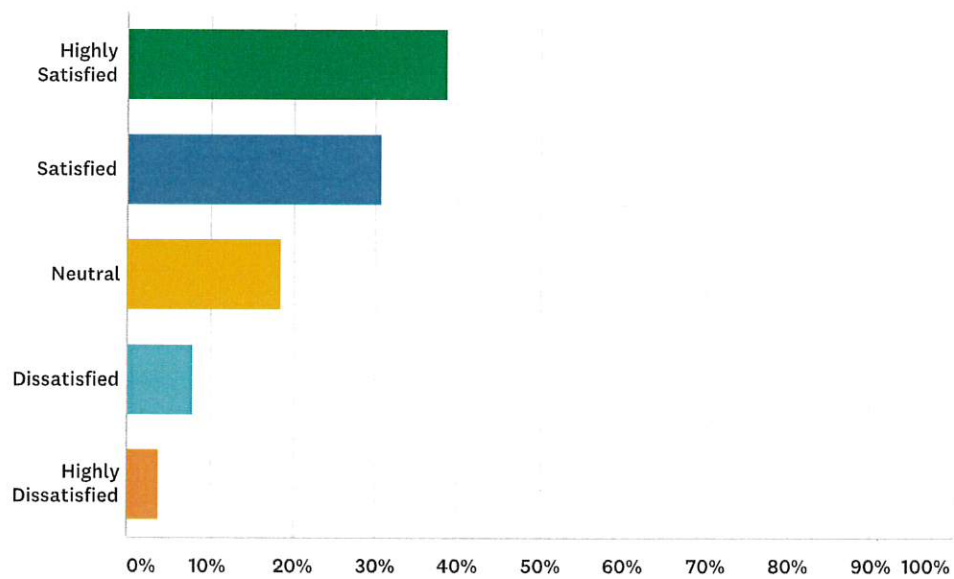
Answered: 151 Skipped: 1



ANSWER CHOICES	RESPONSES	
Highly Satisfied	41.72%	63
Satisfied	37.09%	56
Neutral	12.58%	19
Dissatisfied	4.64%	7
Highly Dissatisfied	3.97%	6
TOTAL		151

Q3 How satisfied are you with your Vocational Rehabilitation (VR) Team?

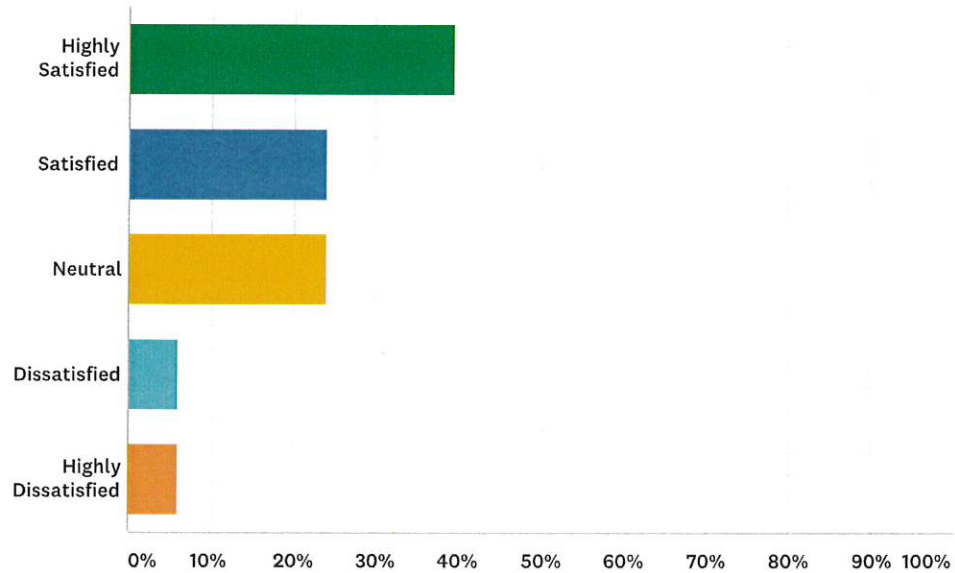
Answered: 150 Skipped: 2



ANSWER CHOICES	RESPONSES	
Highly Satisfied	38.67%	58
Satisfied	30.67%	46
Neutral	18.67%	28
Dissatisfied	8.00%	12
Highly Dissatisfied	4.00%	6
TOTAL		150

Q4 How satisfied are you with the communication and reports with your VR Team?

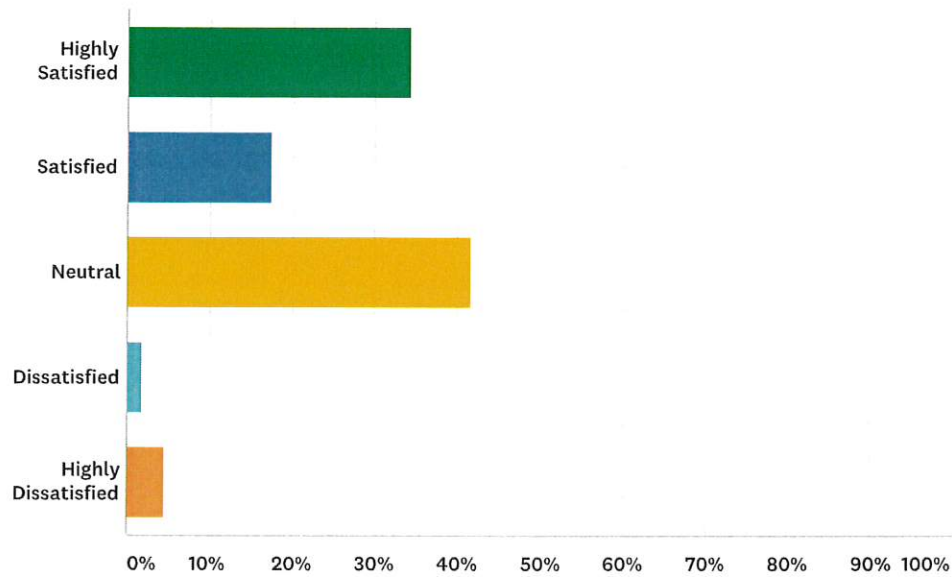
Answered: 149 Skipped: 3



ANSWER CHOICES	RESPONSES	
Highly Satisfied	39.60%	59
Satisfied	24.16%	36
Neutral	24.16%	36
Dissatisfied	6.04%	9
Highly Dissatisfied	6.04%	9
TOTAL		149

Q5 Did you receive provider services? If yes, please rate your satisfaction with the provider.

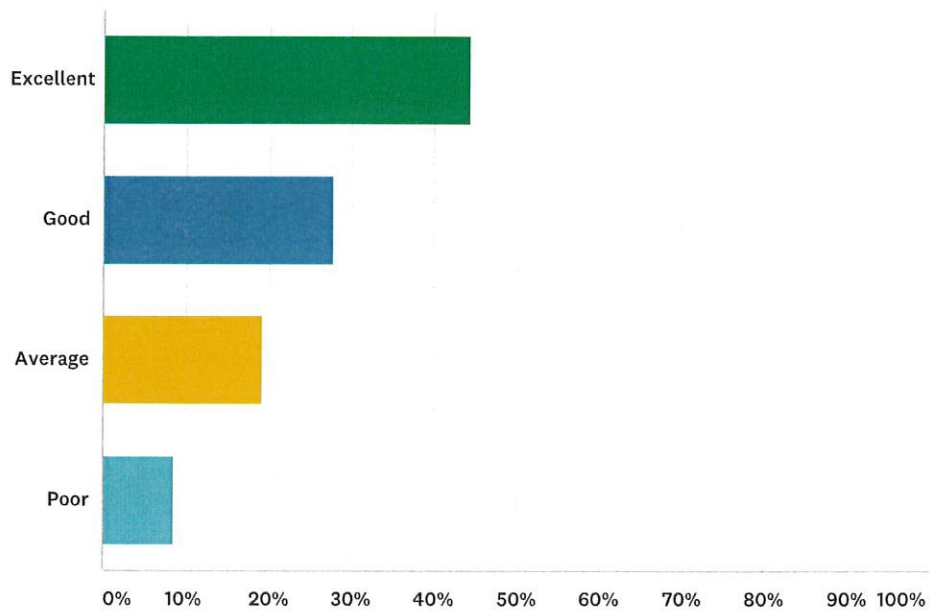
Answered: 108 Skipped: 44



ANSWER CHOICES	RESPONSES	
Highly Satisfied	34.26%	37
Satisfied	17.59%	19
Neutral	41.67%	45
Dissatisfied	1.85%	2
Highly Dissatisfied	4.63%	5
TOTAL		108

Q6 How would you rate services overall?

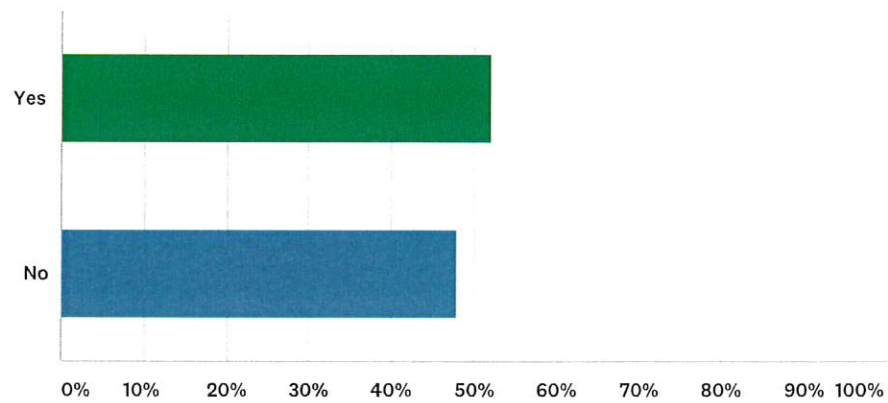
Answered: 151 Skipped: 1



ANSWER CHOICES	RESPONSES	
Excellent	44.37%	67
Good	27.81%	42
Average	19.21%	29
Poor	8.61%	13
TOTAL		151

Q7 I utilize more than one DVI service.

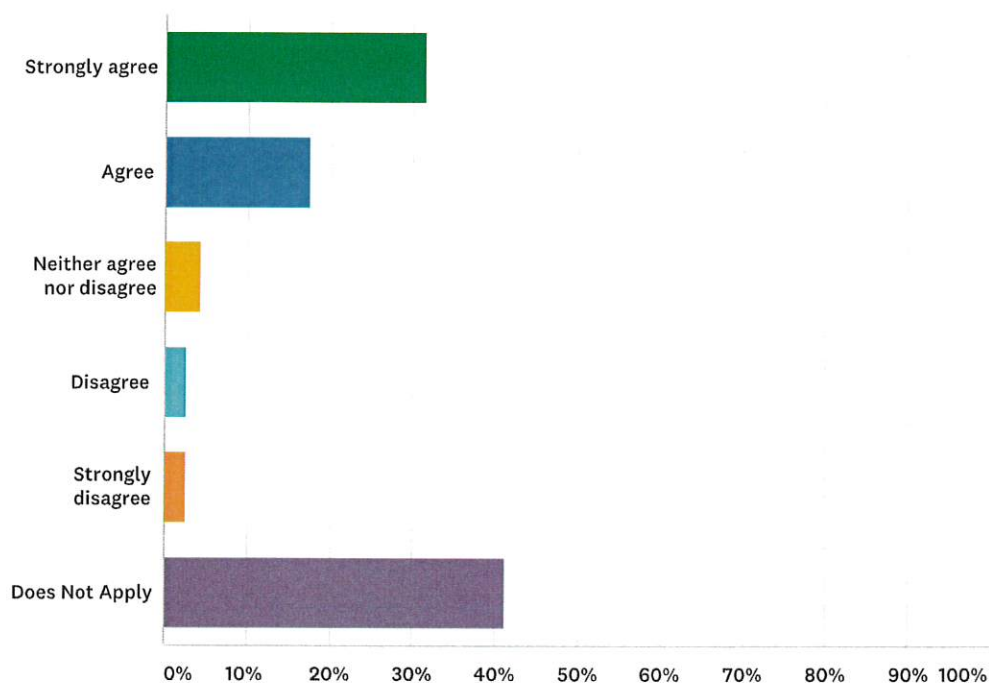
Answered: 115 Skipped: 37



ANSWER CHOICES	RESPONSES	
Yes	52.17%	60
No	47.83%	55
TOTAL		115

Q8 If you utilize more than one DVI service, do you find DVI's services well-coordinated and easy to navigate.

Answered: 114 Skipped: 38



ANSWER CHOICES	RESPONSES	
Strongly agree	31.58%	36
Agree	17.54%	20
Neither agree nor disagree	4.39%	5
Disagree	2.63%	3
Strongly disagree	2.63%	3
Does Not Apply	41.23%	47
TOTAL		114

Q9 Do you have any comments or recommendations for improvement.

Answered: 91 Skipped: 61

Q10 If you would like to be contacted regarding your comments, please enter your contact information.

Answered: 10 Skipped: 142

ANSWER CHOICES	RESPONSES	
Name	100.00%	10
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	20.00%	2
Phone Number	100.00%	10

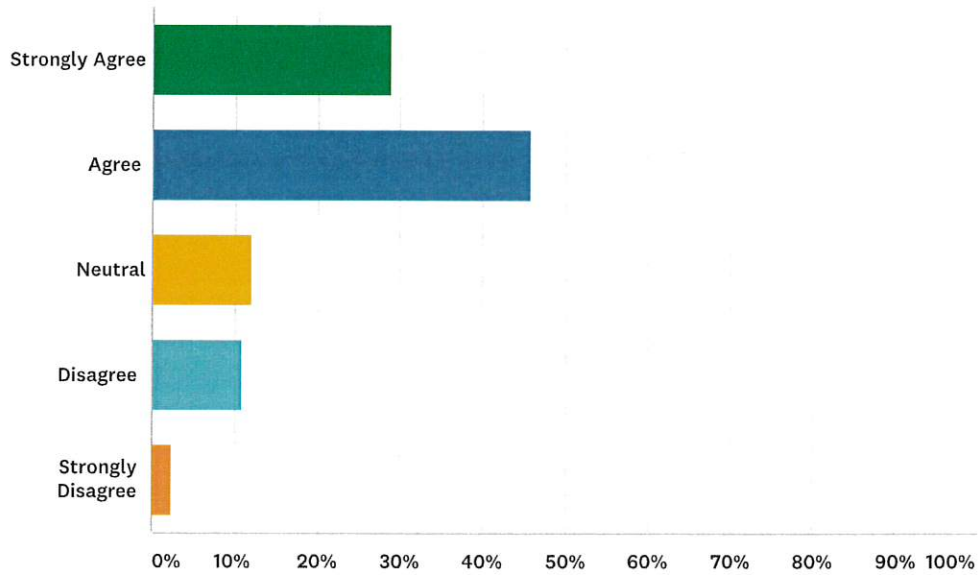
Q11 If you would like to be included in a monthly drawing for a prize,
please share your contact information.

Answered: 104 Skipped: 48

ANSWER CHOICES	RESPONSES	
Name	100.00%	104
Company	0.00%	0
Address	95.19%	99
Address 2	14.42%	15
City/Town	94.23%	98
State	95.19%	99
ZIP Code	95.19%	99
Country	0.00%	0
Email Address	73.08%	76
Phone Number	98.08%	102

Q1 As a result of my participation in the Independent Living Program, I feel more confident in my ability to perform daily activities.

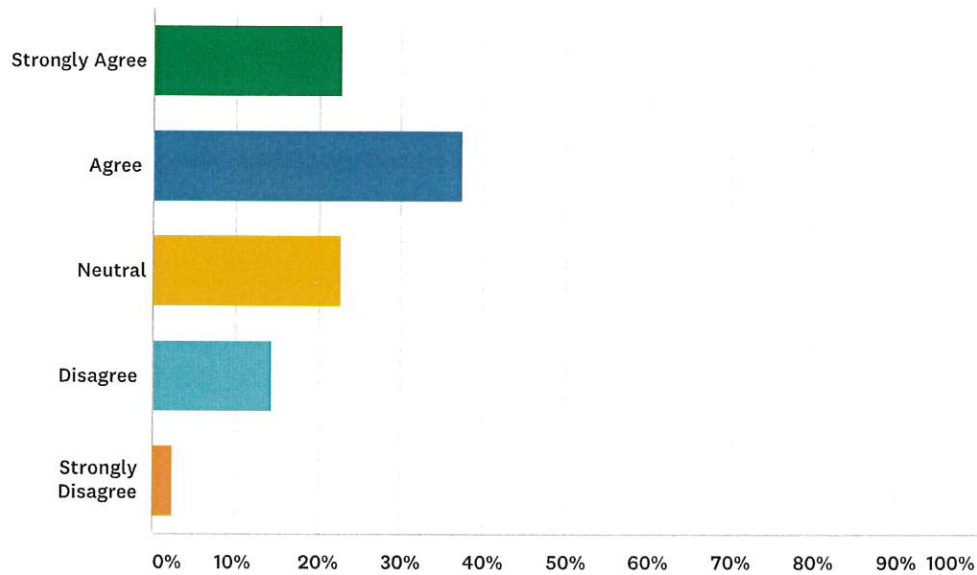
Answered: 83 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	28.92%	24
Agree	45.78%	38
Neutral	12.05%	10
Disagree	10.84%	9
Strongly Disagree	2.41%	2
TOTAL		83

Q2 As a result of my participation in the Independent Living program, I am less dependent on others.

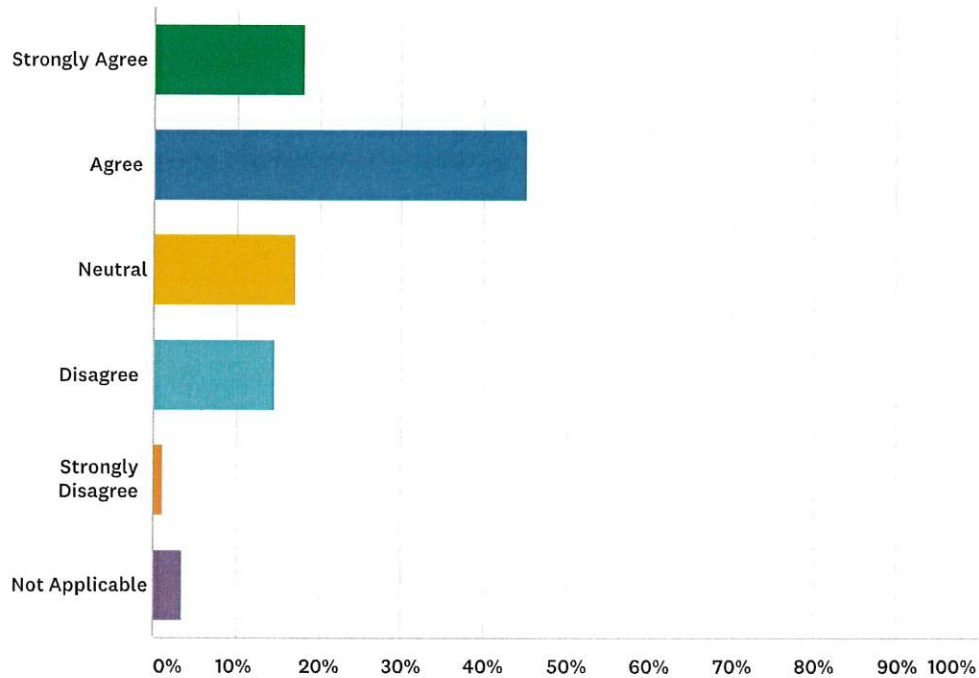
Answered: 83 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	22.89%	19
Agree	37.35%	31
Neutral	22.89%	19
Disagree	14.46%	12
Strongly Disagree	2.41%	2
TOTAL		83

Q3 As a result of my participation in the Independent Living program, I can better manage housekeeping tasks.

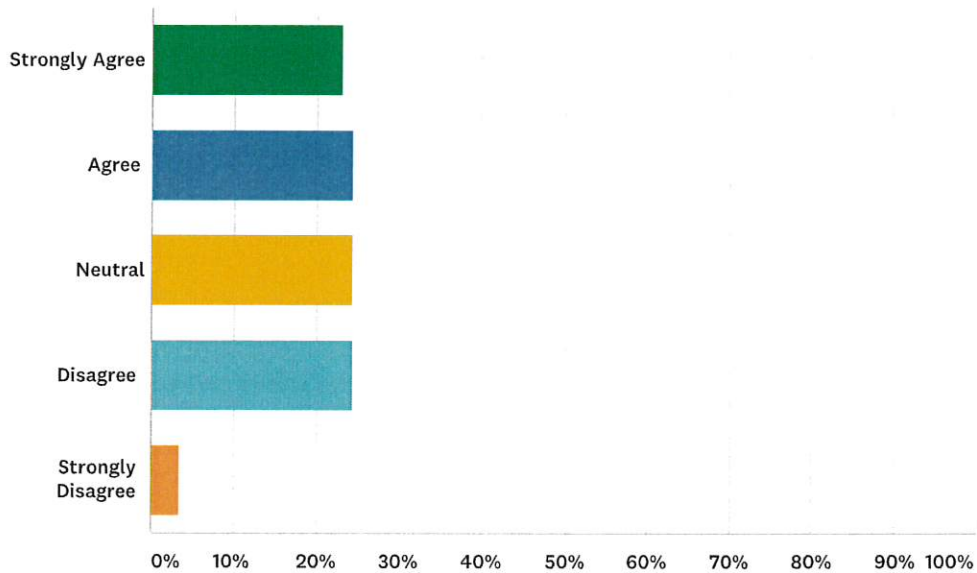
Answered: 82 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Agree	18.29%	15
Agree	45.12%	37
Neutral	17.07%	14
Disagree	14.63%	12
Strongly Disagree	1.22%	1
Not Applicable	3.66%	3
TOTAL		82

Q4 As a result of my participation in the Independent Living program I enhanced my ability to read materials such as books, newspapers, or magazines.

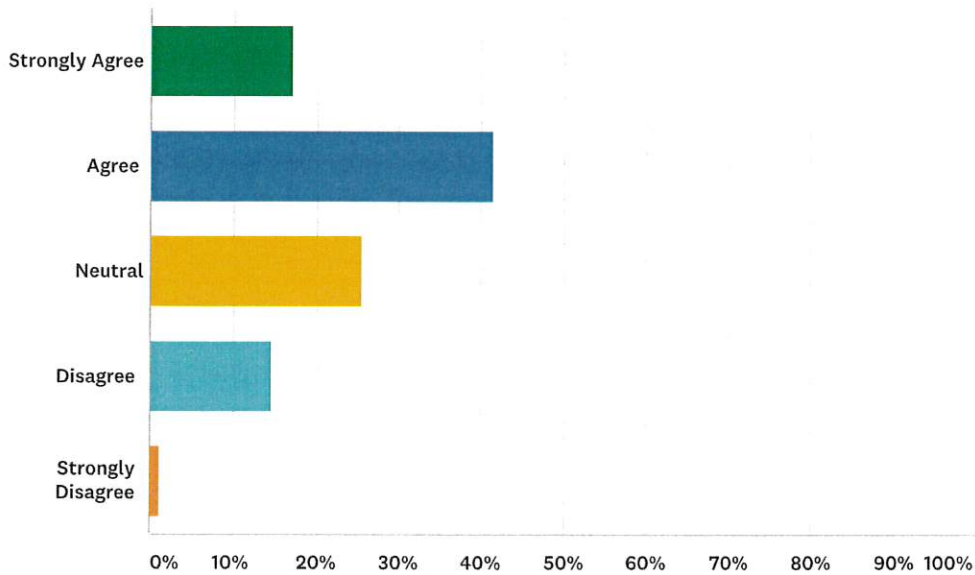
Answered: 82 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Agree	23.17%	19
Agree	24.39%	20
Neutral	24.39%	20
Disagree	24.39%	20
Strongly Disagree	3.66%	3
TOTAL		82

Q5 As a result of my participation in the Independent Living Program, I am more socially engaged with friends, family, and the community.

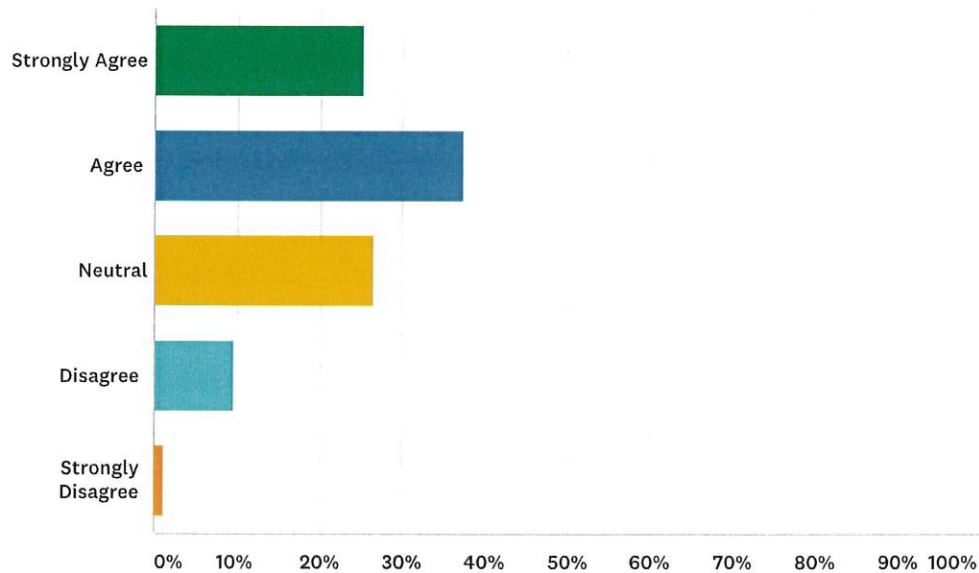
Answered: 82 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Agree	17.07%	14
Agree	41.46%	34
Neutral	25.61%	21
Disagree	14.63%	12
Strongly Disagree	1.22%	1
TOTAL		82

Q6 As a result of my participation in the Independent Living Program, I am in more control of making decisions that are important in my life.

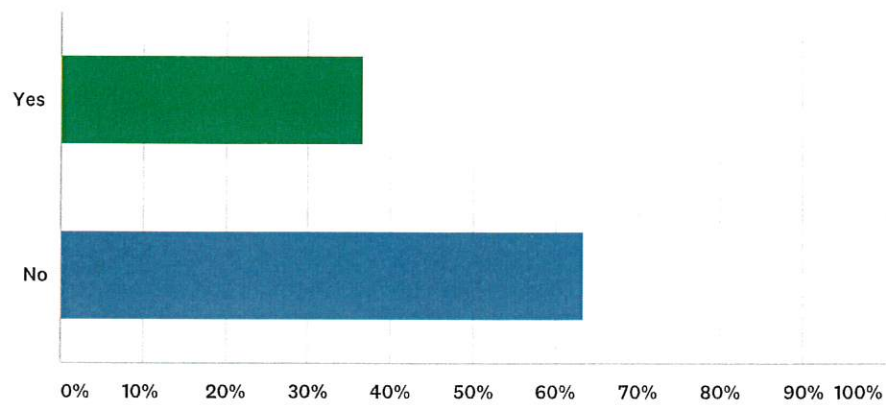
Answered: 83 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	25.30%	21
Agree	37.35%	31
Neutral	26.51%	22
Disagree	9.64%	8
Strongly Disagree	1.20%	1
TOTAL		83

Q7 I utilize more than one DVI service.

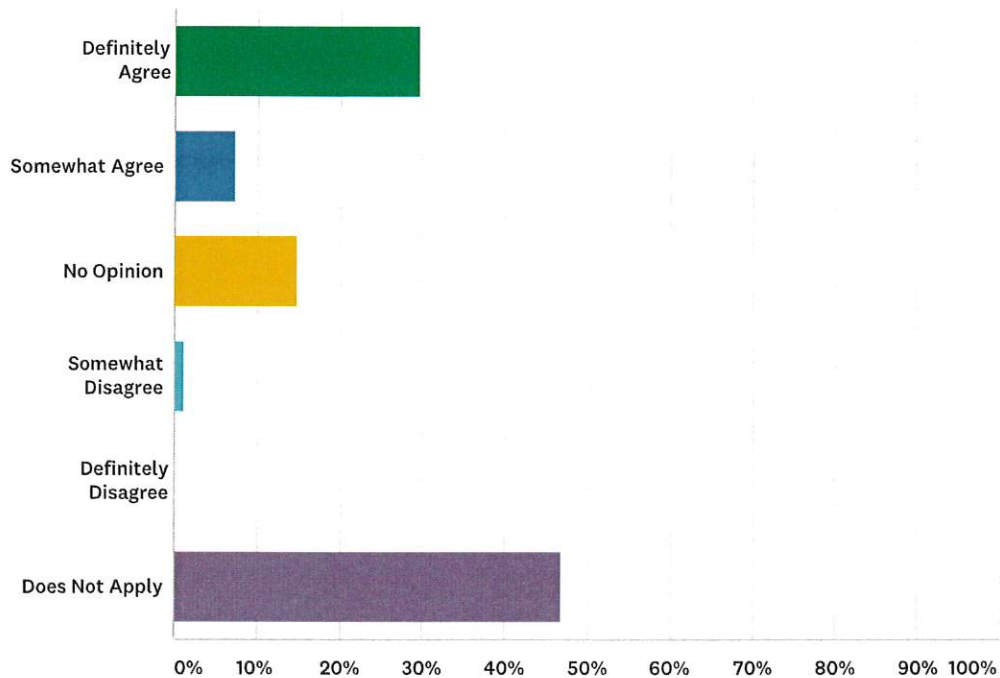
Answered: 82 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	36.59%	30
No	63.41%	52
TOTAL		82

Q8 If you utilize more than one DVI service, do you find DVI's services well-coordinated and easy to navigate?

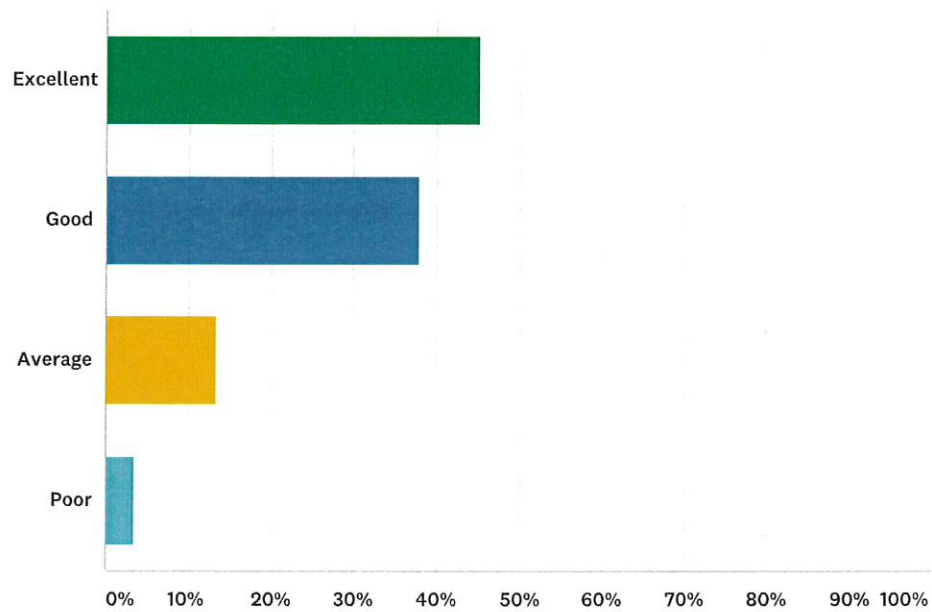
Answered: 81 Skipped: 2



ANSWER CHOICES	RESPONSES	
Definitely Agree	29.63%	24
Somewhat Agree	7.41%	6
No Opinion	14.81%	12
Somewhat Disagree	1.23%	1
Definitely Disagree	0.00%	0
Does Not Apply	46.91%	38
TOTAL		81

Q9 The quality of services provided have been:

Answered: 82 Skipped: 1



ANSWER CHOICES	RESPONSES	
Excellent	45.12%	37
Good	37.80%	31
Average	13.41%	11
Poor	3.66%	3
TOTAL		82

Q10 Do you have any comments or recommendations for improvement?

Answered: 74 Skipped: 9

Q11 If you would like to be contacted regarding your comments, please enter your contact information.

Answered: 18 Skipped: 65

ANSWER CHOICES	RESPONSES	
Name	100.00%	18
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	11.11%	2
Phone Number	94.44%	17

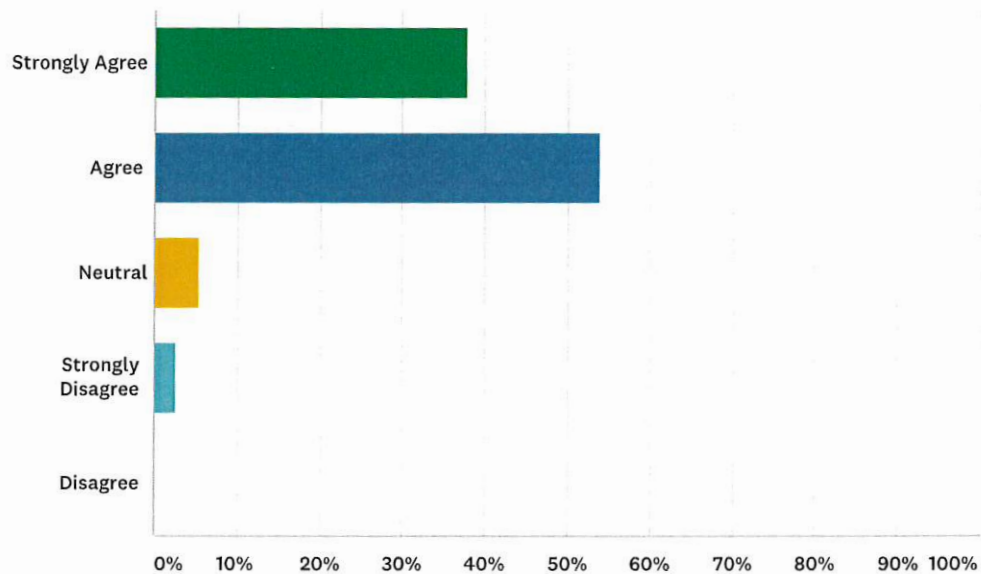
Q12 If you would like to be included in a monthly drawing for a prize,
please share your contact information.

Answered: 48 Skipped: 35

ANSWER CHOICES	RESPONSES	
Name	97.92%	47
Company	0.00%	0
Address	64.58%	31
Address 2	2.08%	1
City/Town	62.50%	30
State	62.50%	30
ZIP Code	60.42%	29
Country	0.00%	0
Email Address	31.25%	15
Phone Number	89.58%	43

Q1 Obtaining Orientation and Mobility services was an easy process.

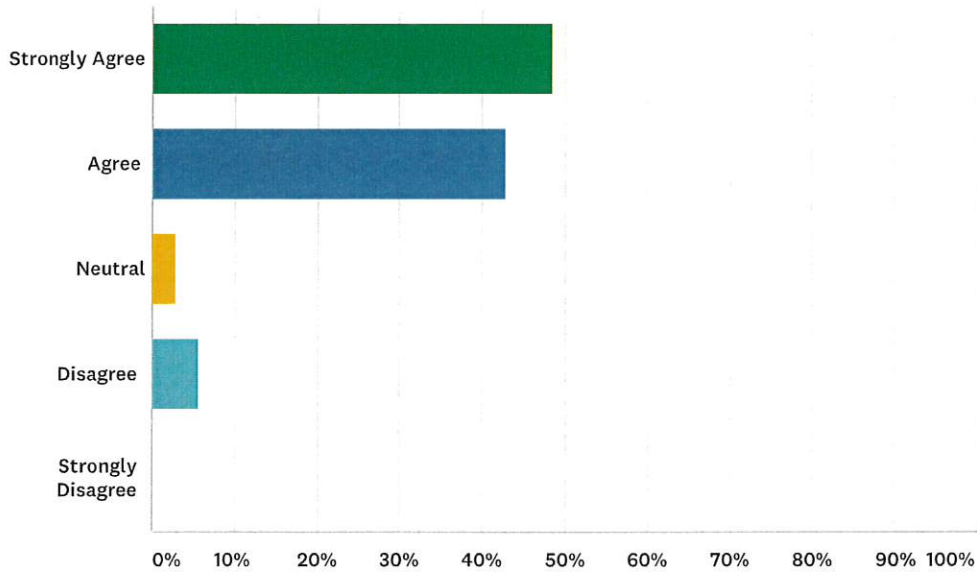
Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	37.84%	14
Agree	54.05%	20
Neutral	5.41%	2
Strongly Disagree	2.70%	1
Disagree	0.00%	0
TOTAL		37

Q2 While receiving Orientation and Mobility Services, I felt like I had input and choice.

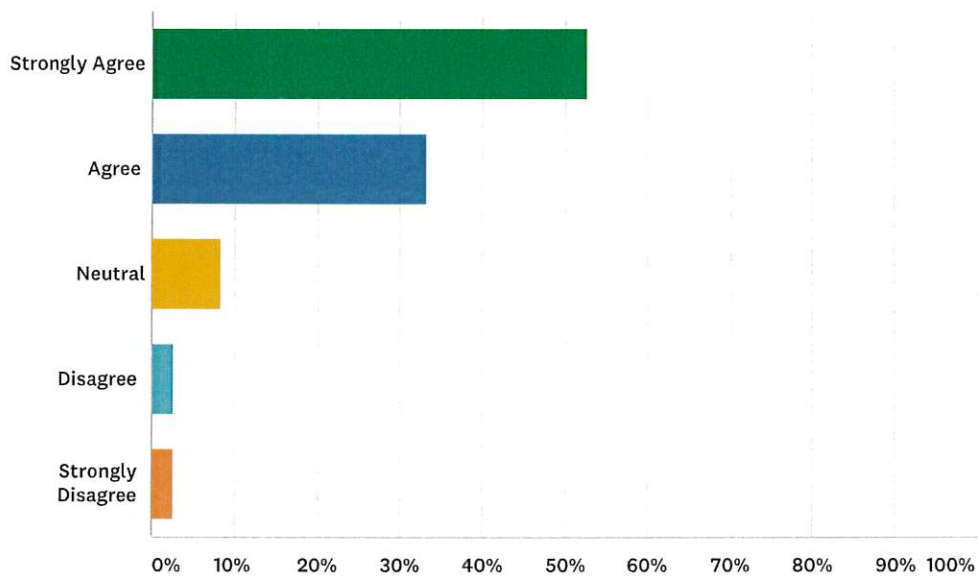
Answered: 35 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly Agree	48.57%	17
Agree	42.86%	15
Neutral	2.86%	1
Disagree	5.71%	2
Strongly Disagree	0.00%	0
TOTAL		35

Q3 I achieved my independent travel training goals.

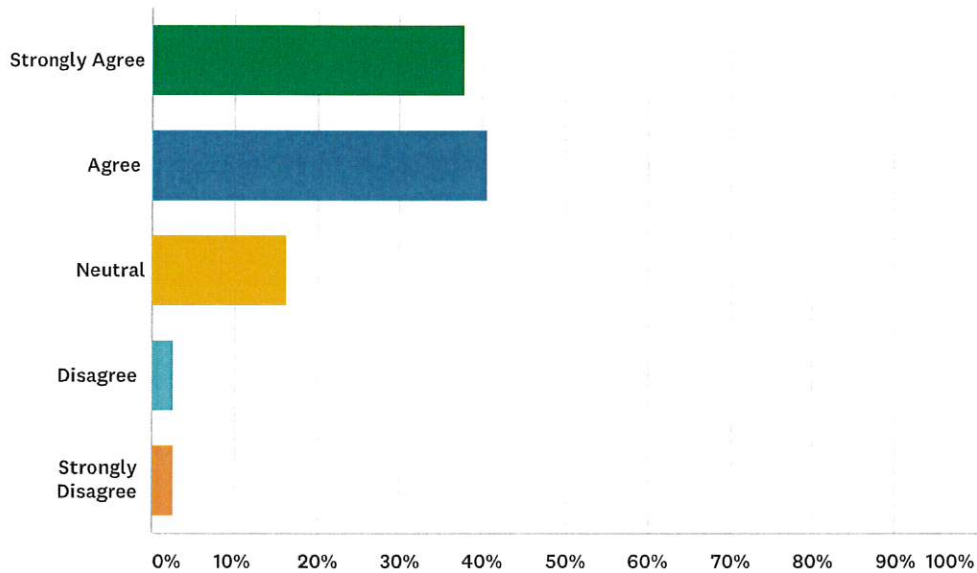
Answered: 36 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly Agree	52.78%	19
Agree	33.33%	12
Neutral	8.33%	3
Disagree	2.78%	1
Strongly Disagree	2.78%	1
TOTAL		36

Q4 I am more comfortable traveling with my cane, service animal, or other vision aids.

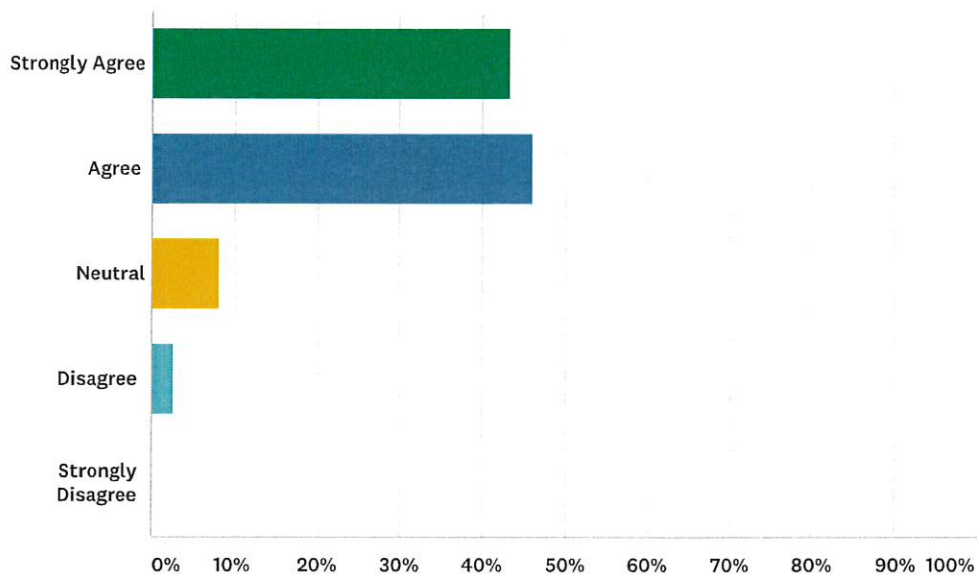
Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	37.84%	14
Agree	40.54%	15
Neutral	16.22%	6
Disagree	2.70%	1
Strongly Disagree	2.70%	1
TOTAL		37

Q5 I am satisfied with the Orientation and Mobility Services received.

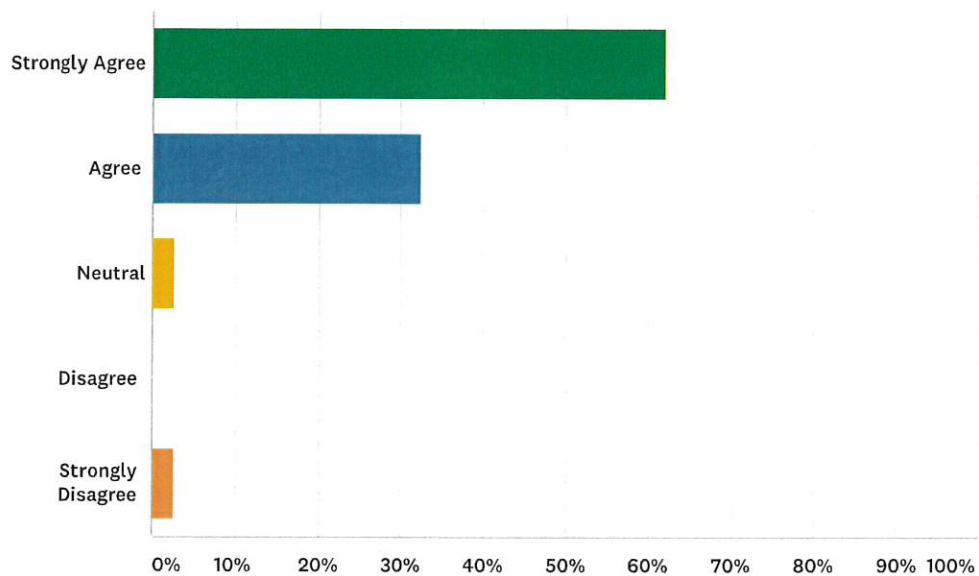
Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	43.24%	16
Agree	45.95%	17
Neutral	8.11%	3
Disagree	2.70%	1
Strongly Disagree	0.00%	0
TOTAL		37

Q6 I would recommend Orientation and Mobility services to others.

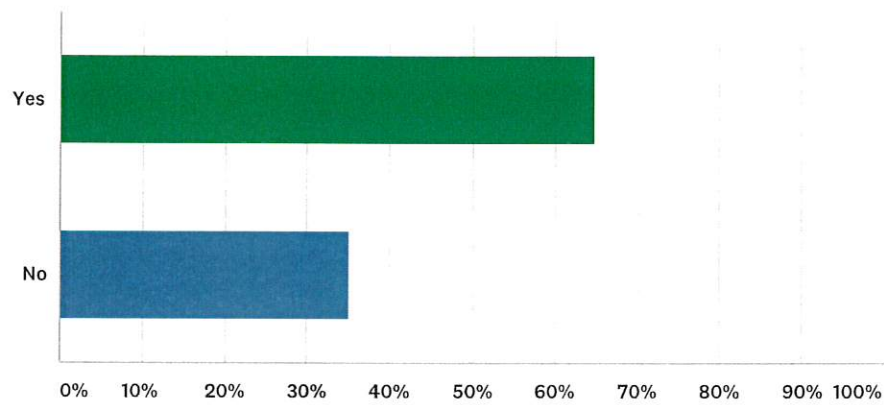
Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly Agree	62.16%	23
Agree	32.43%	12
Neutral	2.70%	1
Disagree	0.00%	0
Strongly Disagree	2.70%	1
TOTAL		37

Q7 I utilize more than one DVI service.

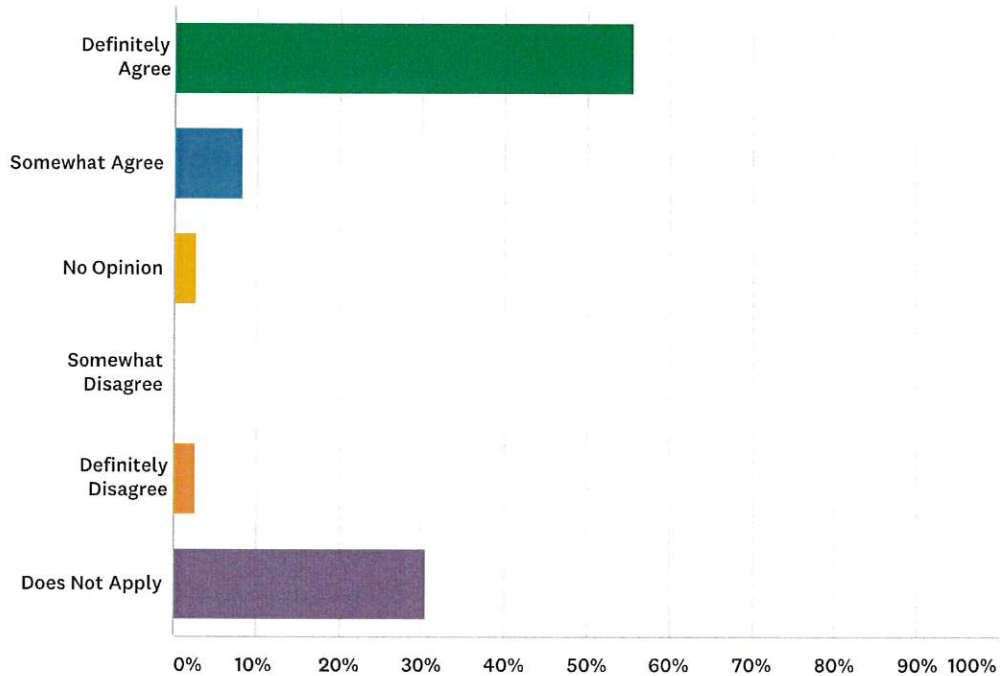
Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	64.86%	24
No	35.14%	13
TOTAL		37

Q8 If you utilize more than one DVI service, do you find DVI's services well-coordinated and easy to navigate?

Answered: 36 Skipped: 1



ANSWER CHOICES	RESPONSES	
Definitely Agree	55.56%	20
Somewhat Agree	8.33%	3
No Opinion	2.78%	1
Somewhat Disagree	0.00%	0
Definitely Disagree	2.78%	1
Does Not Apply	30.56%	11
TOTAL		36

Q9 What aspects of the Orientation and Mobility program did you find the most helpful?

Answered: 36 Skipped: 1

Q10 How can the Orientation and Mobility program better meet your needs?

Answered: 33 Skipped: 4

Q11 If you would like to be contacted regarding your comments, please enter your contact information.

Answered: 14 Skipped: 23

ANSWER CHOICES	RESPONSES	
Name	100.00%	14
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	21.43%	3
Phone Number	100.00%	14

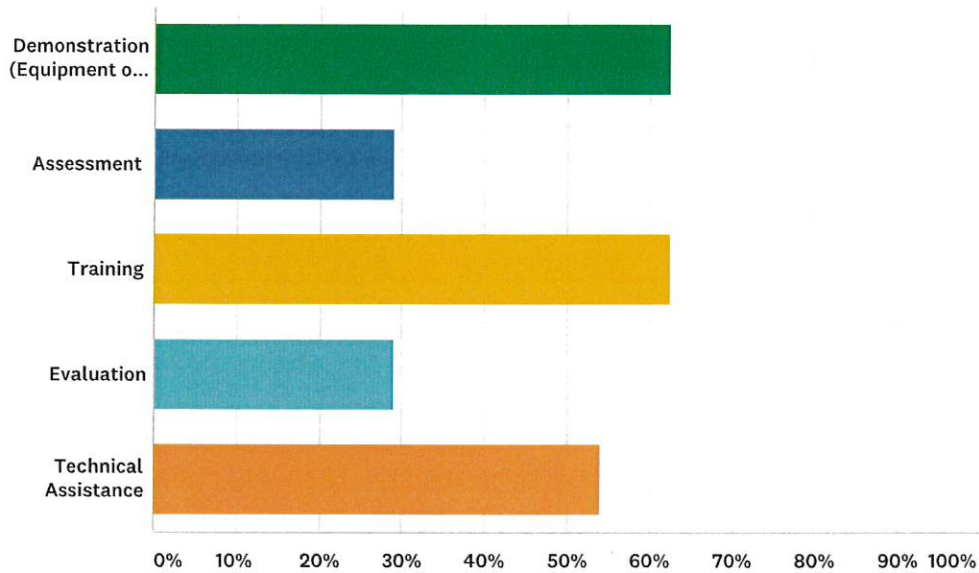
Q12 If you would like to be included in a monthly drawing for a prize,
please share your contact information.

Answered: 29 Skipped: 8

ANSWER CHOICES	RESPONSES	
Name	100.00%	29
Company	0.00%	0
Address	58.62%	17
Address 2	3.45%	1
City/Town	58.62%	17
State	58.62%	17
ZIP Code	58.62%	17
Country	0.00%	0
Email Address	20.69%	6
Phone Number	96.55%	28

Q1 What services did you receive from the Technology Center? (Check all that apply).

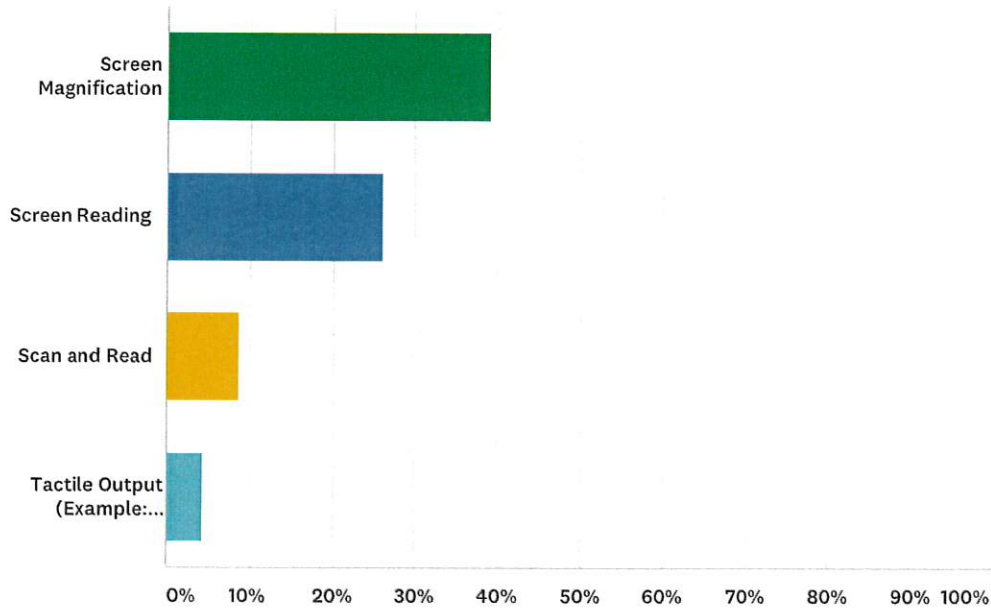
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Demonstration (Equipment or Software)	62.50%	15
Assessment	29.17%	7
Training	62.50%	15
Evaluation	29.17%	7
Technical Assistance	54.17%	13
Total Respondents: 24		

Q2 If you received training, what tools did you use to access the computer or device? (Check all that apply).

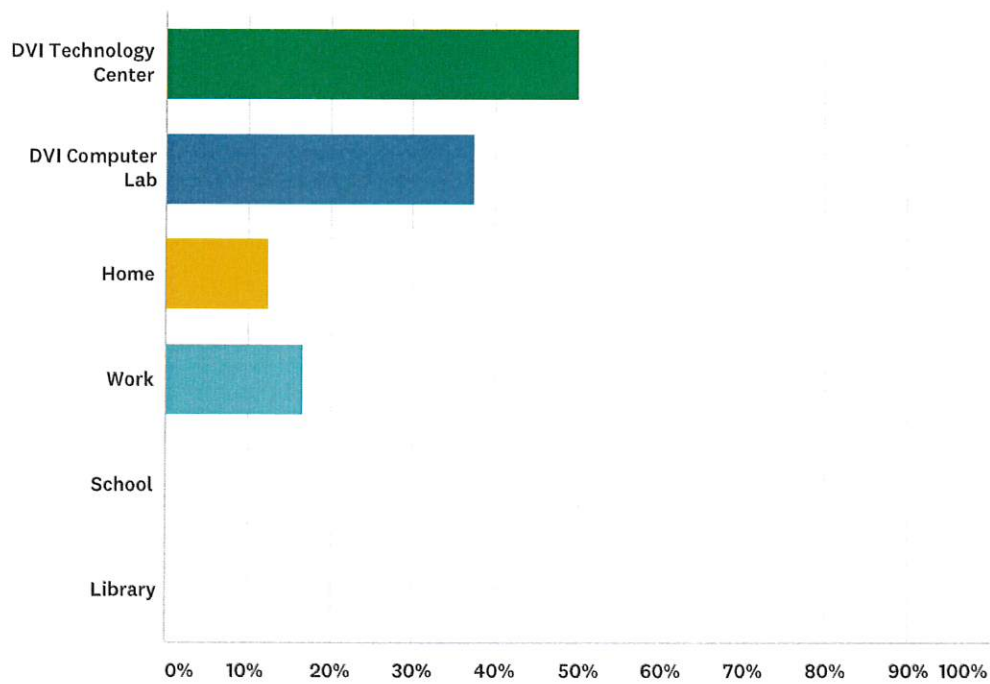
Answered: 23 Skipped: 1



ANSWER CHOICES	RESPONSES	
Screen Magnification	39.13%	9
Screen Reading	26.09%	6
Scan and Read	8.70%	2
Tactile Output (Example: refreshable braille display)	4.35%	1
Total Respondents: 23		

Q3 Where did you receive the Service(s)? (Check all that apply).

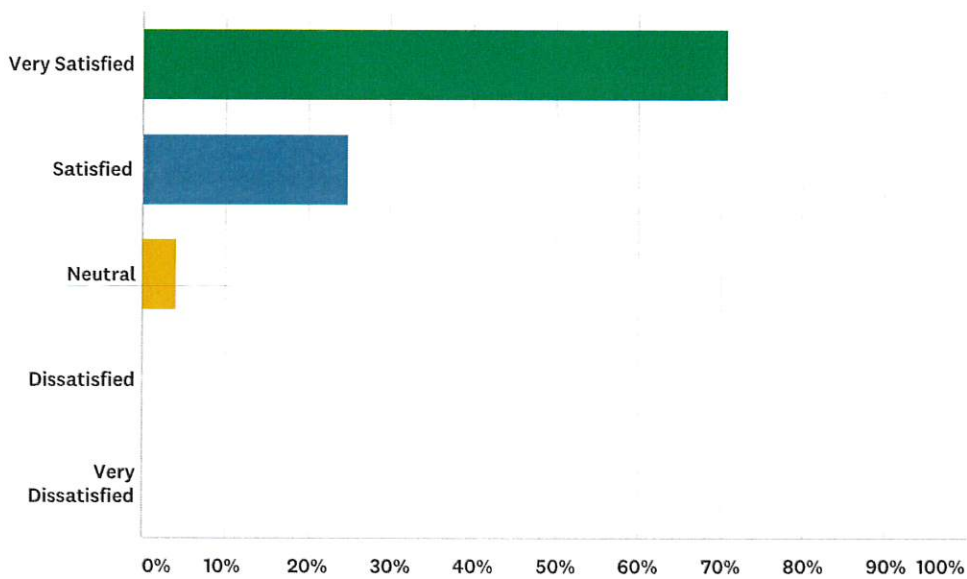
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
DVI Technology Center	50.00%	12
DVI Computer Lab	37.50%	9
Home	12.50%	3
Work	16.67%	4
School	0.00%	0
Library	0.00%	0
Total Respondents: 24		

Q4 How do you rate the effectiveness of the service(s) you received?

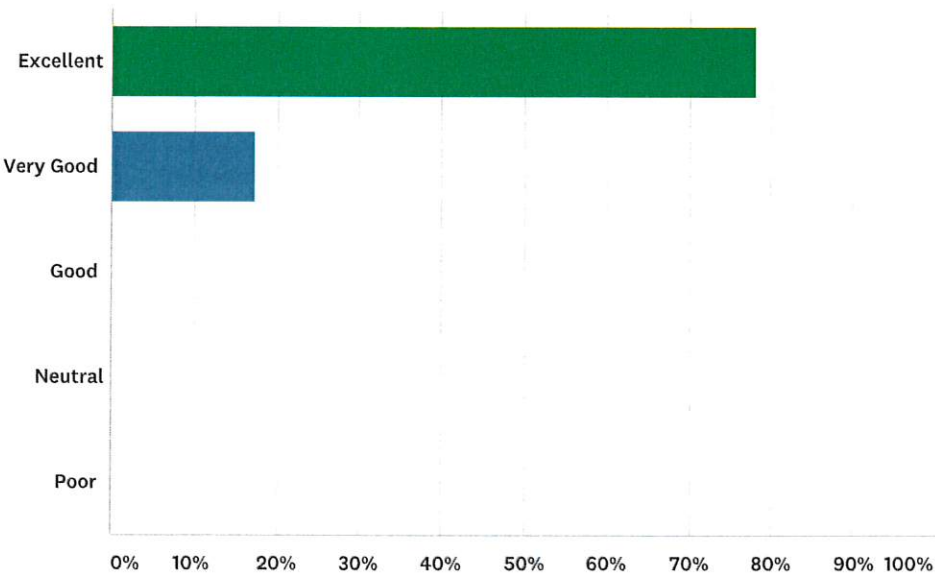
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very Satisfied	70.83%	17
Satisfied	25.00%	6
Neutral	4.17%	1
Dissatisfied	0.00%	0
Very Dissatisfied	0.00%	0
TOTAL		24

Q5 How would you rate the trainer's overall performance?

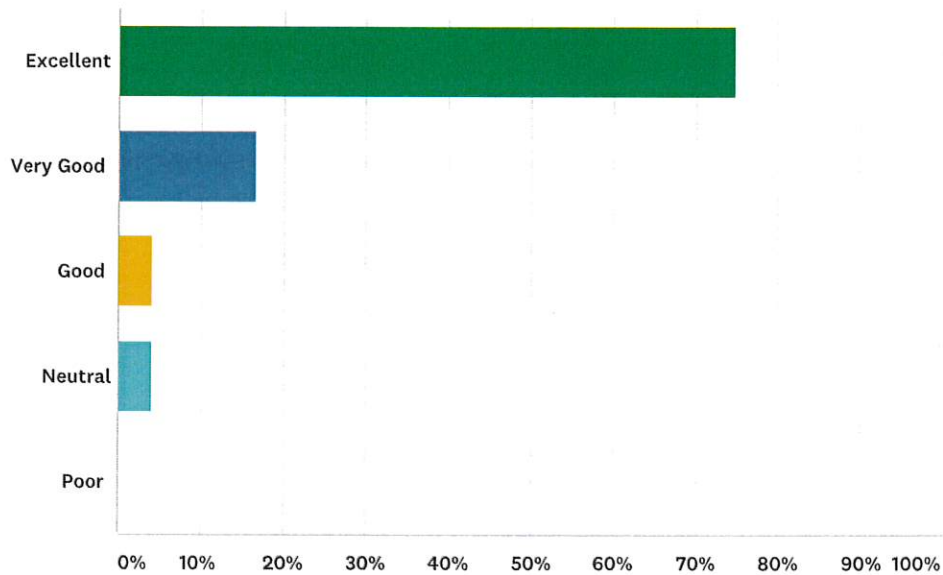
Answered: 23 Skipped: 1



ANSWER CHOICES		RESPONSES	
Excellent		78.26%	18
Very Good		17.39%	4
Good		0.00%	0
Neutral		0.00%	0
Poor		0.00%	0
TOTAL			23

Q6 How would you rate the trainer's ability to explain the information and material in a clear and concise manner?

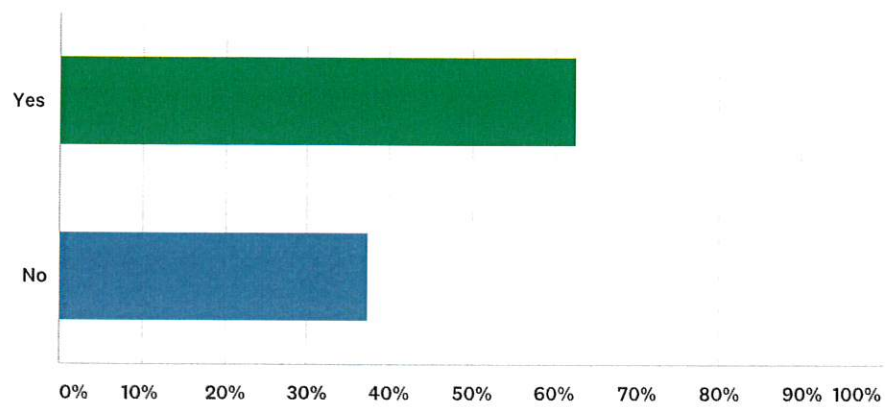
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Excellent	75.00%	18
Very Good	16.67%	4
Good	4.17%	1
Neutral	4.17%	1
Poor	0.00%	0
TOTAL		24

Q7 I utilize more than one DVI service.

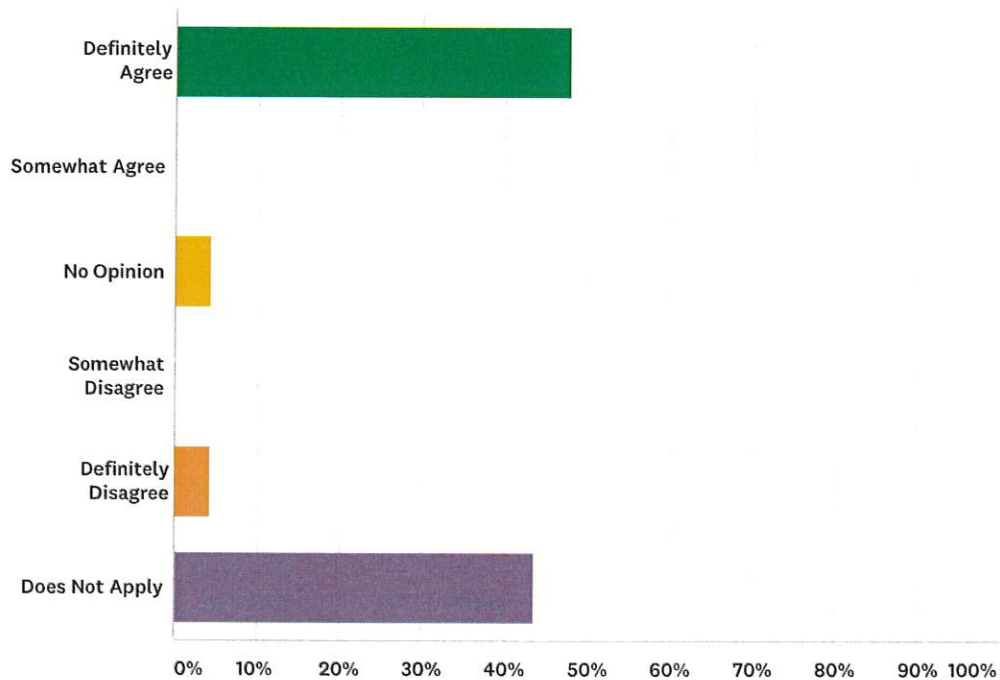
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	62.50%	15
No	37.50%	9
TOTAL		24

Q8 If you utilize more than one DVI service, do you find DVI's services well-coordinated and easy to navigate?

Answered: 23 Skipped: 1



ANSWER CHOICES	RESPONSES	
Definitely Agree	47.83%	11
Somewhat Agree	0.00%	0
No Opinion	4.35%	1
Somewhat Disagree	0.00%	0
Definitely Disagree	4.35%	1
Does Not Apply	43.48%	10
TOTAL		23

Q9 Please complete the following sentence: As a result of the service(s) that I received, I will be able to:

Answered: 23 Skipped: 1

Q10 How can the Division for the Visually Impaired's Technology Center better meet your needs?

Answered: 23 Skipped: 1

Q11 If you would like to be contacted regarding your comments, please enter your contact information.

Answered: 10 Skipped: 14

ANSWER CHOICES	RESPONSES	
Name	100.00%	10
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	10.00%	1
Phone Number	90.00%	9

Q12 If you would like to be included in a monthly drawing for a prize,
please share your contact information.

Answered: 20 Skipped: 4

ANSWER CHOICES	RESPONSES	
Name	100.00%	20
Company	0.00%	0
Address	55.00%	11
Address 2	5.00%	1
City/Town	50.00%	10
State	50.00%	10
ZIP Code	50.00%	10
Country	0.00%	0
Email Address	25.00%	5
Phone Number	95.00%	19

APPENDIX E

SENATE RESOLUTION 8



SPONSOR: Sen. Lockman
Sens. Delcollo, Hansen, Lopez, Walsh

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE RESOLUTION NO. 8

ESTABLISHING A TASK FORCE TO RESEARCH, DISCUSS, AND MAKE FINDINGS AND
RECOMMENDATIONS REGARDING THE JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE'S
REVIEW OF THE DIVISION FOR THE VISUALLY IMPAIRED.

1 WHEREAS, the Joint Legislative Oversight and Sunset Committee ("JLOSC") reviewed the Division for the
2 Visually Impaired ("DVI") in 2019; and

3 WHEREAS, DVI's review resulted in 31 recommendations for JLOSC to consider, 28 of which require additional
4 research and discussion among interested agencies and citizens to assist JLOSC in making decisions whether to adopt them;
5 and

6 WHEREAS, JLOSC expressed its desire to create a task force, comprised of JLOSC staff, relevant agencies, and
7 members of the public, to address the implementation of the 28 recommendations and any other recommendations the task
8 force deems appropriate and report back to JLOSC in January 2020.

9 NOW, THEREFORE:

10 BE IT RESOLVED by the Senate of the 150th General Assembly of the State of Delaware that the Joint
11 Legislative Oversight and Sunset Committee Task Force on the Division for the Visually Impaired ("Task Force") is
12 established.

13 BE IT FURTHER RESOLVED that the Task Force research, discuss, and make findings regarding
14 Recommendations 2 through 29 of the JLOSC's 2019 review of the Division for the Visually Impaired, and report its
15 findings and recommendations to the JLOSC. The Task Force may find that the JLOSC should consider additional
16 recommendations that the Task Force identifies.

17 BE IT FURTHER RESOLVED that the Task Force is composed of 9 members. A member who serves by virtue of
18 position may appoint a designee to serve in that member's stead and at that member's pleasure. Membership is comprised
19 as follows:

20 (1) One JLOSC Analyst.

21 (2) One JLOSC Legislative Attorney.

22 (3) The Director of DVI.

23 (4) The Secretary of Education.

(5) The Chair of the Blind Vendors Committee.

(6) The Executive Director of BlindSight Delaware.

(7) Kevin McAllister, to represent individuals who are visually impaired.

(8) Sonya Lawrence, to represent parents of children who are blind or visually impaired.

(9) Dr. Debbie Harrington, to represent higher education.

BE IT FURTHER RESOLVED that at least 14 individuals serve as consultants to the Task Force. A consultant who serves by virtue of position may appoint a designee to serve in that consultant's stead and at that consultant's pleasure. A consultant does not vote or have any duties or powers reserved for a Task Force member. Consultants are comprised as follows:

(1) One analyst from the Controller General's Office.

(2) The Chair of the Governor's Advisory Council for Exceptional Citizens.

(3) The Director of Government Support Services.

(4) The Director of the Department of Labor, Division of Vocational Rehabilitation Services.

(5) A representative from the National Council of State Agencies for the Blind.

(6) Individuals specifically requested to serve as consultants:

a. Dr. Karen Blakenship.

b. Darlene A. Cole.

c. Wayne Marsh.

d. William McCafferty.

e. Dr. Jerry Petroff.

f. Jillian H. Queen.

g. Lloyd Schmitz.

h. Dr. Fred Schroeder.

i. Terry Smith.

(7) Any other organization or individual that the Task Force may determine helpful in meeting its duties.

BE IT FURTHER RESOLVED that a member or consultant may appoint a designee. A member or consultant who appoints a designee must provide the designation in writing to the chair. A designee has the same duties and rights as the member or consultant the designee represents.

BE IT FURTHER RESOLVED that the JLOSC Analyst and JLOSC Legislative Attorney serve as co-chairs of the Task Force.

BE IT FURTHER RESOLVED that the co-chairs of the Task Force are responsible for guiding the administration of the Task Force by doing, at a minimum, all of the following:

(1) Notifying all Task Force members of their selection to serve on the Task Force and all consultants of their selection to serve as consultants.

(2) Setting a date, time, and place for the initial organizational meeting.

(3) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Task Force.

(4) Sending, after the first meeting of the Task Force, a list of the members of the Task Force and the person who appointed them to the Joint Legislative Oversight and Sunset Committee and the Director of the Division of Research of Legislative Council.

(5) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.

(6) Ensuring that the final report of the Task Force is submitted to the Joint Legislative Oversight and Sunset Committee with a copy to the Division for the Visually Impaired, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

BE IT FURTHER RESOLVED that the Task Force must hold its first meeting no later than August 15, 2019.

BE IT FURTHER RESOLVED that a quorum of the Task Force is a majority of its members. A vacant position is not counted for quorum purposes.

BE IT FURTHER RESOLVED that:

(1) Official action by the Task Force, including making findings and recommendations, requires the approval of a majority of the members of the Task Force.

(2) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the adopted rules do not govern a given situation, *Mason's Manual of Legislative Procedure* controls.

BE IT FURTHER RESOLVED that the Division of Research is responsible for providing reasonable and necessary support staff, materials, and meeting locations for the Task Force.

BE IT FURTHER RESOLVED that the co-chairs must compile a report containing a summary of the Task Force's work regarding the matters assigned to it in lines 13 through 16 of this Resolution, including any findings and recommendations adopted by the Task Force, and submit the report to the JLOSC and the Director and the Librarian of the Division of Research of Legislative Council no later than January 3, 2020.

83 BE IT FURTHER RESOLVED that this Resolution expires on the date the Task Force submits its findings and
84 recommendations.

SYNOPSIS

The Joint Legislative Oversight and Sunset Committee ("JLOSC") reviewed the Division for the Visually Impaired ("DVI") in 2019. As a result of that review, 31 recommendations for changes affecting DVI were presented for JLOSC's consideration. JLOSC determined that, to properly consider and decide whether to adopt 28 of the recommendations, a task force should be created to research, discuss, and report back to JLOSC its findings on the implementation of the 28 recommendations. JLOSC decided to form the task force through a simple resolution.

This Resolution establishes the Joint Legislative Oversight and Sunset Committee Task Force ("Task Force") on the Division for the Visually Impaired. In addition to the 9 members of the Task Force, several consultants are also named, either individually or by organization, to share their expertise with the Task Force. The Task Force must hold its first meeting by August 15, 2019, and submit a final report of its findings and recommendations to JLOSC by January 3, 2020.

The Task force will not approve the implementation of a recommendation or authorize or require a change in any statute, policy, or practice. The Task Force is designed, authorized, and limited to do only the following:

- Research the background of and relevant information relating to JLOSC's Recommendations 2 through 29.
- Discuss the merits and concerns of each recommendation.
- Report back to JLOSC on what the Task Force found in its research and discussions.

Consultants are specified to ensure their participation in the Task Force, while the number of members is kept limited in the interest of meeting quorum and scheduling requirements more easily.

Author: Senator Lockman

APPENDIX F

JLOSC TABLED

RECOMMENDATIONS

JLOSC Tabled DVI Recommendations

Recommendation 2: General Statutory Updates & Technical Corrections

JLOSC will sponsor a bill to do the following:

- 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.
- b. Add standardize member removal provision.
- c. Add language for resolving a tie when voting on the Council's chair.

Recommendation 3: Reduce Teacher Student Ratio

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:

(e) To meet the instructional needs of students ~~who is blind~~ with visual impairments including blindness, the Division for the Visually Impaired shall employ ~~one (1)~~ 1 teacher of students with visual impairments for every ~~28~~ 14 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. ~~At least 2 of these teacher units shall be 12-month employees in order to insure competent Braille instruction during the summer months.~~

Recommendation 4: Publish By-Laws

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.

Recommendation 5: Council of the Blind By-law Requirement

DVI shall direct the Council of the Blind to create and finalize Council by-laws.

Recommendation 6: Remove Reference to the Delaware Industries for the Blind (DIB) from the Delaware Code and Administrative Code

DVI reported that operations for the DIB closed in March 2017.

Based on DVI's request:

- 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.
- b. DVI will promulgate necessary amendments to remove all references to DIB from the Delaware Administrative Code, including § 9101, Title 16.

Recommendation 7: Business Enterprise Program (BEP) Regulations

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:

- a. Participant eligibility.
- b. Personnel management.
- c. Fiscal controls.
- d. Marketing plans.
- e. Enforcement of production quality standards as stated under § 7929, Title 29.
- f. Set-aside requirements and procedures for Blind Operators.

Recommendation 8: Removal Process for Members of the BEP, Blind Vendors Committee Board

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.

Recommendation 9: BEP, Blind Vendors Committee Training Opportunities

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.

Recommendation 10: Implementation of BEP Audit Recommendations

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].

Recommendation 11: BEP Set-Aside Requirements

DVI shall review current set-aside requirements, determine whether they are adequate, and pursue appropriate remedies for inadequacies.

Recommendation 12: BEP Public Outreach

DVI shall:

- a. Develop a BEP application.
- b. Update the BEP section of its website to include:
 - (1) BEP educational and outreach materials, including information on the Randolph-Sheppard Act.
 - (2) Links for regulations, rules, policies, or by-laws affecting BEP.
 - (3) Access to the BEP application.

Recommendation 13: Remove BEP from State Payroll and Pension Systems

Option 1: Remove the Blind Vendors of the BEP from the State's payroll and pension system.

- OR -

Option 2: 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.

Recommendation 14: Strengthen State's Licensing Authority Under the Randolph-Sheppard Act

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.

Recommendation 15: Strengthen Business Programs

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.

Recommendation 16: Fill Agency Vacancies

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.

Recommendation 17: Increase Staff Certifications

DVI shall work to increase staff certifications. Only 5 DVI employees hold Academy for Certification of Vision Rehabilitation & 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").

Recommendation 18: Increase Braille Resources

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.

Recommendation 19: Funding and Grants for Assistive Technology

DVI shall actively search and procure funding and grants for assistive technology to aid the DVI consumers.

Recommendation 20: DVI Staff Training on Assistive Technology

DVI shall actively search and utilize training for DVI staff on the topic of Assistive Technology. Organizations such as RESNA offer resources.

Recommendation 21: Equip Rapid Ready Rooms

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.

Recommendation 22: Encourage Teachers for the Visually Impaired (TVI) Education

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.

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.

Recommendation 23: Recruitment

DVI shall:

- 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.
- b. Explore offering internship programs to encourage students to pursue degrees and certifications in special education.

Recommendation 24: Orientation and Mobility (O&M)

DVI shall incorporate the use of GPS technology in their Orientation and Mobility program.

Recommendation 25: Communication with DOE

DVI expressed a desire to improve communications between it and the Department of Education (DOE). DVI shall:

- a. Develop and implement communication and procedure guidelines regarding DVI services for students in local school districts.
- b. Review its current MOU with the DOE and work to bring meaningful modifications to the agreement.

Recommendation 26: Implementing Education Service Model

Based on DVI's suggestion, DVI shall implement a fee model to ensure education services are adequately funded.

The following is a suggested model:

Level 1 (up to 8 consults/year) @ \$1,900 per student

Level 2 (1 meeting/week) @ \$4,500 per student

Level 3 (2-3 meetings/week) @ \$12,600 per student

Level 4 (4 meetings/week) @ \$14,300 per student

Recommendation 27: Braille Instruction for All Students

DVI shall provide braille instruction to all students unless assessment indicates otherwise inappropriate.

Option: Codify this recommendation in DVI's governing statute.

Recommendation 28: DVI Resources for Individualized Education Program (IEP) Development

DVI shall provide expertise to teachers, specialists, and counselors in the development of an IEP.

Option: Codify this recommendation in DVI's governing statute.

Recommendation 29: Reporting Requirement Regarding Task Force

DVI shall report to the JLOSC on the implementation status of the recommendations made by the Blind and Visually Impaired Education Task Force. DVI shall implement the task force recommendations.