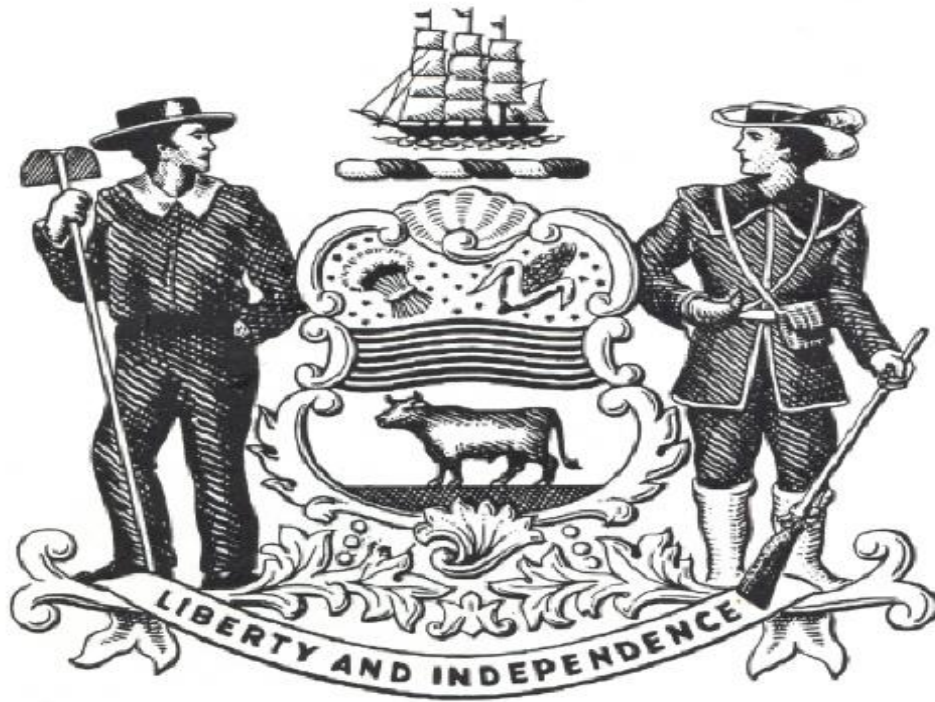

Joint Legislative Oversight and Sunset Committee



Division for the Visually Impaired

2019 Draft Report

March 2019

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A NOTE ABOUT THIS DRAFT REPORT

The information provided in this report is taken from the Joint Legislative Oversight and Sunset Committee (“Committee”) Performance Review Questionnaire, as it was completed by the agency under review. When appropriate, the Analyst who prepared this report made minor changes to grammar and the organization of information provided in the questionnaire, but no changes were made to the substance of what the agency reported. Any points of consideration which arose in analyzing the questionnaire and compiling this report are addressed in the section titled Additional Comment from the Committee Analyst. It is the intent of the Analyst to make any substantive changes which may be required, as the result of findings made through the review processes, in the final version of this report.

The statutes governing and applying to the agency under review are included as Appendices to this Draft Report. They are included only as a reference for Joint Legislative Oversight and Sunset Committee members, and may not be included in the Final Report.

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AGENCY HISTORY

Services for visually impaired Delawareans originated in 1906, through the Delaware Commission for the Blind (“Commission”). In 1909, the General Assembly codified the Commission, making it Delaware’s first state agency, to provide gainful employment for those without sight.

At least two federal acts had significant impact on the blind and visually impaired community. The Randolph-Sheppard Act, enacted in 1936 and updated significantly in 1974, provided opportunities for self-sufficiency and employment by mandating that blind and visually impaired persons have right of first refusal for all vending opportunities on federal property.¹ In 1943, Vocational Rehabilitation Amendments provided that any state with a legally-constituted commission or agency for the blind could assign to it the administration of the federal-state vocational rehabilitation program serving individuals who are blind or visually impaired.² Thereafter, the Commission established the Vocational Rehabilitation Program, for the sole purpose of assisting blind individuals obtain employment.

In 1970, the Commission became part of the Department of Health and Social Services, under the Division of Social Services. An itinerant education teacher was hired to provide services to blind students in public schools. This itinerant model is still in use today.

In 1978, § 7929, Title 29 was enacted, establishing DVI under the Department of Health and Social Services’ Chapter 79 of Title 29. Section 7929 gave DVI the “power to perform and be responsible for the performance of all powers, duties and functions” vested in the Commission under Chapters 21 and 23 of Title 31.³ Until § 7929 was enacted, those powers, duties, and functions were vested in the Division of Social Services.⁴

DVI works in partnership with the consumer and the community to improve the safety, education, and employment of blind and visually impaired Delawareans. Today, DVI provides a continuum of services to over 2,800 residents with visual impairments. Services include itinerant education services, vocational rehabilitation, independent living, orientation and mobility, and assistive technology, and serves as the state licensing authority under the Randolph-Sheppard Act.

PURPOSE

DVI was created to meet the growing need for specifically trained and educated instructors, counselors, and staff in visual impairments and blind services, and to provide specific individual services to the visually impaired and blind residents of Delaware.

The Commission and DVI have served tens of thousands of visually impaired individuals through their 10-year history of services. DVI provides a holistic, integrated service approach, serving individuals from birth to expiration through the cycle of life. DVI works in partnership with the consumer and the community to improve the safety, education, and employment of blind and visually impaired

¹ See 20 U.S.C. § 107, *et. seq.*

² See generally 29 U.S.C. §§ 701, *et. seq.*; see also <http://ncsab.org/>, last accessed March 27, 2019.

³ See 29 *Del. C.* § 7929, provided in Appendix A.

⁴ See *id.* at § 7929(a).

Delawareans of all ages. Collectively, DVI serves more than 2,800 individuals annually in programs ranging from education, vocational rehabilitation, independent living, elderly, assistive technology training, travel training, and employment. DVI's Independent Living Program is recognized as a national model.

To promote health and wellbeing, DVI strives to reduce or eliminate all barriers to lifelong personal independence produced by a loss or lack of vision. DVI provides the following services:

- Early diagnosis and intervention.
- Education in the least restrictive environment.
- Transition services for youth with visual impairments.
- Family and individual counseling.
- Independent living skills, training, and provision of equipment.
- Vocational training and related job placement.
- Employment opportunities.
- Advocacy.
- Low vision evaluations and training.

These services are developed and provided for the three primary groups of consumers:

- Educational age (0 - 21).
- Primary employment age (21-65). The Transition Program begins at age 14.
- Older Delawareans (66 +). The older blind program begins at age 55.

DVI has made such an impact on Delawareans that many bequeath resources to the agency.

Vision loss is a growing health concern in the United States. Over 21 million Americans currently live with vision loss, and that number is on the rise.⁵ DVI services are not duplicative, but comprehensive for a specific population. Blindness is one of the most feared and misunderstood disabilities. Consolidation of any portion of the programs and services delivered by the agency would have a negative impact on consumers. This assertion is accompanied by prior research and studies that provide strong arguments in support of DVI.

Any “one-size-fits-all” approach to vision services overlooks or ignores the proven benefits of specialized programs and services for people with vision loss. Although all-purpose disability and health service organizations claim to serve blind people as successfully as blindness agencies, too many people with visual impairments slip through the cracks when they do not have access to specialized services.

Many consumers report coping with vision loss can feel overwhelming at first. When armed with the right knowledge and skills, people with vision problems can face the future with confidence. People with vision loss learn necessary and life-changing skills because of the specialized services and dedicated staff that teach them the ways to maximize their fullest potential. DVI's services are designed to assist people who are blind or visually impaired seek employment, attain a proper education, and assist older adults with the adjustment to life with vision loss.

DVI provides a holistic approach to services. These services work in a continuum to meet the needs of Delaware's blind consumers. On a national level, arguments have surfaced to eliminate separate blind

⁵ See <https://www.afb.org/default.aspx>, last accessed March 27, 2019.

agencies. These arguments have not prevailed, because the visually impaired populations have very specific and specialized needs that are unlike those of individuals with other disabilities. Many studies show that the visually impaired population is best served under a separate service delivery model. Separate service delivery models provide the strongest and most dynamic programs that help blind or visually impaired populations achieve more social, education, and economic success and can reduce more severe vision loss issues and other secondary disabilities. Separate agencies geared towards serving the visually impaired community also have the ability to serve more severe cases of blindness and provide a larger number of services with a longer duration to applicants and program members. Reports and studies have also found evidence that separate blind agencies have the ability to serve more minority, women, and elderly applicants, and that they are able to rehabilitate, meaning “close,” a higher percentage of applicants who are accepted for services.

Many organizations have concluded that the already-troubling figures regarding the high unemployment rates of visually impaired populations typically understate the severity of unemployment in the visually impaired community due to underreporting, underemployment, and other factors. The Cleveland Sight Center, the National Federation of the Blind, and the Braille Institute of America have estimated unemployment among the visually impaired at 70% or more.

DVI is needed because transitioning to a model focused on generalization would cause the loss of the comprehensive services that Delawareans who are blind need to deal with all facets of life, including employment training. A number of studies have compared blind service delivery in separate agencies to blind service delivery in general agencies, and all have affirmed the viability of a separate service delivery model. Case service data is reported annually to the United States Department of Education’s Rehabilitation Services Administration (“RSA”) by state program administrators and has been used in studies on the effects of agency structure on services to blind or visually impaired consumers.

Combining agencies would have an additional negative impact on Delawareans because the Department of Labor’s Division of Vocational Rehabilitation is on an Order of Selection, which is a waitlist.⁶ Under the Vocational Rehabilitation Act, if a state vocational rehabilitation agency does not have enough fiscal or personnel resources to serve all eligible persons it must implement an order of selection and individuals with the most significant disabilities are given first priority for vocational rehabilitation services.⁷ Once on an order of selection, an agency may not spend money on new applicants until the current wait list has been cleared. Therefore, a new applicant requiring minimal services would risk losing employment, if currently employed, or not having access to a quick employment turnaround while waiting for services or funding to become available, unless they have recently been closed in an employment status. Furthermore, people on the wait list with a minimal level of disability would continue to be pushed down the wait list as applicants with more severe impairments apply, effecting access to assistance regardless of the nature of the wait-listed individual’s disability. If DVI was combined with another agency, all current and active DVI consumers would continue to receive

⁶ Analyst’s Note: It is unclear whether DVI’s concerns about being combined with another state agency are based on an actual proposal to combine them with any other agency.

⁷ See 29 U.S.C. § 721(a)(5)(C).

services, but new applicants or re-applicants would be subject to the conditions of the combined Order of Selection wait list.

JOINT LEGISLATIVE OVERSIGHT AND SUNSET COMMITTEE REVIEW HISTORY

The Joint Legislative Oversight and Sunset Committee (“JLOSC”) has never reviewed DVI.

MISSION, GOALS, OBJECTIVES, & AUTHORITY

Mission Statement: To provide educational, vocational, and technical support to empower and foster independence for Delawareans with vision impairments.

Vision Statement: To become Delaware’s leader in providing services for people who are blind or visually impaired.

Core Values: Quality Customer Service, Teamwork, Respect, Innovation and Creativity, Fostering Independence and Integrity.

DVI’s enabling legislation, § 7929, Title 29, is accurately reflected in these statements.

DVI Goals and Objectives, in order of priority:

Goal 1: Highest Client Achievement

Objective: Coordinate and secure high quality training, education, work experiences, and partnerships that create opportunities for blind and visually impaired Delawareans to obtain and maintain independence, post-secondary education credentials, and successful employment outcomes.

Goal 2: Seamless Articulation and Maximum Access

Objective: Create a comprehensive service delivery system that fosters accessibility and provides positive experiences for blind and visually impaired Delawareans enabling them to matriculate from school/training to work.

Goal 3: Skilled Workforce and Economic Development

Objective: Assist blind and visually impaired Delawareans with obtaining, maintaining and advancing in competitive integrated employment.

Goal 4: Quality Efficient Services

Objective: Create an accountable and exemplary division workforce that ensures high quality.

- The Division for the Visually Impaired will streamline its procurement of Assistive Technology for individuals who are blind and visually impaired by reducing acquisition time to 14 days and limit barriers to education, employment, and independence.
- The Division for the Visually Impaired will identify three performance measures for each of its programs, increase data element collection by

20% and report annually the outcomes and effectiveness of its core services:

- Business Enterprise Program.
- Technology.
- Vocational Rehabilitation.
- Orientation and Mobility.
- Education.
- Instructional Resources and Materials Center.
- Independent Living Services.

Business Enterprise Program:

1. Implement practices that foster the true spirit of the Randolph Sheppard Act by ensuring operators are functioning as independent entrepreneurs.
2. Modernize Operations of the Business Enterprise Program.
3. Increase the number of operators by one each year.

Technology:

1. 90% of the consumer satisfaction results will express their satisfaction with services.
2. Six Workshops will be held annually on technology topics for the agency and community.
3. Technology Trainers will receive at least 30 hours annually of professional development.
4. Implement virtual training options for consumers, department, and agency.

Vocational Rehabilitation:

1. Ensure compliance with WIOA Performance Measures.
2. Increase employment outcomes by 10% annually.
3. Provide two business engagement activities annually.

Orientation and Mobility:

1. 90% of the consumer satisfaction results will express their satisfaction with services.
2. Monitor and ensure compliance with IEP goals and benchmarks.
3. Develop Service Plans for adults receiving O+M Services.

Education:

1. Fully implement all phases of Quality Programs for Students with Visual Impairments.
2. Monitor and ensure compliance with IEP goals.
3. Increase resources to the Education Program.

Instructional Resources and Materials Center:

1. Automate and streamline processes to improve efficiencies in the deployment of materials.

2. Procure training for team and the Men with a Message Program for the accurate production of accessible materials.
3. Explore feasibility of producing accessible materials for third parties to increase funding for the IRMC.

Independent Living Services:

1. Implement best practices provide by the Older Blind Technical Assistance Center.
2. 90% of consumer satisfaction results will express their satisfaction with services.
3. Provide Summer Academy and workshops throughout the year to students with visual impairments.

To ensure that DVI is attaining its goals and objectives, DVI leadership reviews and monitors the performance measures and objectives on a monthly basis, by reviewing monthly case reviews and consumer satisfaction survey results. DVI leadership makes adjustments based on monthly review findings to ensure an optimal customer experience.

PUBLIC INFORMATION

DVI makes the following information and educational resources available to the public:

Target Group 1 – Constituents with blindness or severe visual impairments

DVI maintains a registry of over 3,000 people who meet the division eligibility requirements. Information is routinely sent in various formats, according to consumers' desired media preferences. This includes electronic, automated phone calls, Braille, and the US Postal Service. DVI has been using an electronic marketing system since 2016, to create fully accessible newsletters and announcements. DVI also contracted with an automated, robocall system to create customized, automated phone calls. All registrants receive information pertaining to DVI special events, workshops, and technology news and community resources at least monthly.

The automated phone system has proven to be the most efficient, effective, and accessible way to communicate with DVI consumers. From 2016-2018, DVI sent constituents eighty automated phone calls, totaling 131,536 times that the messages were received. This averages to 1,644 people per call and 26.6 calls per year. In addition to phone calls, DVI sent consumers forty-six newsletters, announcements, event invitations, job openings, community resources, and more during the past three years. This averages to 15.3 per year or 1.27 per month.

Target Group 2 – Older adults, the public at large, & families

DVI routinely facilitates cost-effective educational events designed to address constituent needs and expand outreach to underserved populations. DVI has hosted twelve large events (four per year) since 2016, collectively attended by more than 800 current constituents and members of the public. Examples include the DVI Biennial Technology and Community Resource Fair, the annual Healthy Vision Family Night at the Delaware Children's Museum, a Microsoft-taught Accessibility Workshop, and a special event at which three vendors demonstrated state-of-the-art smart glasses technology. Because of the smart glasses event, one vendor provided the DVI Technology Training Center with smart glasses, a tablet, and magnifier (value \$10,000) at no cost, to use for training purposes.

Common eye diseases such as macular degeneration, glaucoma, and diabetic retinopathy, often result in severe vision loss. As a result, a great deal of outreach and education efforts target older adults, who are losing or have lost their vision. DVI staff are frequent exhibitors at community events, health fairs, and local conferences such as the LIFE Conference, the Diabetes Wellness Expo, and the 55+ Expo. During the last three years, DVI has been a vendor at or sponsor of more than 50 community outreach events, effectively providing vision-related information to hundreds of people.

A unique way by which DVI has educated the public is through blindness sensitivity workshops. In 2017, DVI Orientation & Mobility Specialists provided sensitivity training to city, state, and county police officers. Attendees wore various optical lenses as an introduction to different types of blindness, followed by mobility challenges, white canes, and sighted guide instruction. Officers were blindfolded and asked to perform simple tasks while seated, then difficult tasks while mobile. Two by two, blindfolded officers were guided by sighted colleagues through the buildings and streets. After several classes, the O&M staff provided training to nearly 140 city of Wilmington police officers, thirty State Police cadets and twenty New Castle County police recruits. The fourth and last workshop performed at the city of Wilmington was immediately featured on 6abc news and in the News Journal. WHYY produced a seven-minute segment and released it a few days later.

Finally, DVI uses Facebook to connect with people who may need services. Building an organic Facebook following – page likes – has proven to be an arduous process. The followers grew at a slow and steady pace, increasing 14% from the end of 2016 through the end of 2017. The Facebook connection has grown, however; between January and August 2018, page followers increased by 25% and direct message service inquiries from members of the public grew by 14% over the previous year. In comparison to other divisions of the state with social media presences, the number of followers is relatively small but is comparable when considering DVI's size.

DVI uses the Facebook page to advertise workshops and events to the public. The page also hosts a closed group whose members are parents or families of children served by the DVI education unit. The closed group is still in development; members will be able to privately create events and share information. The teachers who are coordinating the group intend to add regular blogs, specific to the education of children with blindness.

The purpose of DVI's Facebook page has been to reach underserved populations and the public at large. The uptick in followers, increase in service-related inquiries, and innovative use of the site features prove this social media resource will continue to develop into a valuable outreach tool.

Target Group 3 - Healthcare professionals & community organizations

Vision-related healthcare professionals are often the number one referral resource for people with severe vision loss. DVI participated as a vendor at the Delaware Optometric Association's annual conference for the last two years, a one-day event that provides an opportunity to speak with approximately fifty medical professionals who directly serve potential DVI consumers. In addition to the optometric conference, DVI has partnerships with several doctors throughout the state.

DVI staff are active members of six large community resource-sharing organizations. Each group offers an organized time to learn about services and all are very well attended. For example, one statewide group has approximately 200 members, 125 in New Castle and 75 in Kent and Sussex counties, all of whom are professionals working in senior environments such as assisted living facilities, long-term care, and rehabilitation facilities. The monthly meetings are attended by at least 40% of the membership. Meeting locations alternate among the counties, include presentations, and offer time to discuss services with other members. Another group has over 250 members, all of whom are in the healthcare industry. The healthcare group convenes quarterly and approximately 30% of their membership are usually in attendance. Since 2016, DVI outreach professionals have participated in or presented at nearly forty resource exchange opportunities throughout the state. The group environments have afforded DVI the opportunity to educate nearly 300 potential referral sources about DVI services annually.

DVI has used an electronic marketing system since 2016, to create fully accessible newsletters and announcements. DVI has developed a robust contact list that includes representatives from the Optometric Association, doctors, medical office staff, community organizations, key partners, and vendors.

In addition, DVI is part of the Delaware Library Community Partner Exchange (CPE). The CPE joins public libraries with government agencies, non-profit community organizations, social service agencies, and more across all disciplines to maximize resources and opportunities for Delawareans. Being a member allows access to all members using just one email address. Contacts receive e-news blasts, event announcements, and newsletters. As materials are developed, they are electronically sent to the DVI contact list (1,054 people), two of the aforementioned resource sharing organizations group liaisons who distribute to membership (450 people), and through the CPE listserv (250 people). Since developing the e-news system in 2016, our partner contact list received twenty-two various DVI educational or informational pieces. This equates to an average of 7.33 e-news distributions, each reaching 1,700+ people per year.

| Interest Groups (Groups affected by Division actions or represent others served by or affected by Division actions) | | |
|---|--|---|
| Group or Association Name/Contact Person | Address | Phone Number Fax Number Internet Address |
| National Federation of the Blind Kathryn Bottner | 24 Monterry Dr. Newark, DE 19713 | 302-528-2621 NFBde.org |
| American Council for the Blind Suzanne Howell | saflutedcbvi@verizon.net | 302-798-8192 acb.org/affiliate-delaware |
| State Council for Persons with Disabilities | Margaret O'Neill Building 410 Federal Street, Suite 1 Dover DE 19901 | 302-739-3621 scpd.delaware.gov/ |
| Employment First Commission | Margaret O'Neill Building 410 Federal Street, Suite 1 Dover DE 19901 | 302-739-3621 https://scpd.delaware.gov/ |
| Freedom Center for Independent Living | 400 N Broad St. Middletown, De 19709 | 302-376-4399 Fcilde.org |
| Independent Resources | 6 Denney Road Suite 101 Wilmington, DE 19809 | 302-765-0191 Iri-de.org |

| National Organizations or Other Government Entities (that serve as an information clearinghouse or regularly interact with the Division) | | |
|---|---|--|
| Group or Association Name/Contact Person | Address | Phone Number Fax Number Internet Address |
| Corporation for National and Community Service | 250 E. Street, SW Washington, DC 20525 | Phone: (800) 942-2677 http://www.nationalservice.gov |
| American Foundation for the Blind | 1401 South Clark Street Suite 730 Arlington, VA 22202 | Phone: (202) 469-6831 Fax: (646) 478-9260 afb.gov@afb.net |
| National Federation of the Blind | 200 E. Wells Street/Jernigan Place Baltimore, MD 21230 | Phone: (410) 659-9314 Fax: (410) 685-5653 |
| Association for Education and Rehabilitation of the Blind and Visually Impaired | 1703 North Beauregard Street Suite 440 Alexandria, VA 22311 | Phone: (703) 671-4500 Fax: (703) 671-6391 aer@aerbvi.org |
| American Council for the Blind | 1703 N Beauregard Street Suite 420, Alexandria, VA 22311 | Phone: (202) 467-5081 Fax: 703-465-5085 |
| National Council of State Agencies for the Blind | 2200 University Avenue #240 St. Paul, MN 55114, | Phone: (651) 539-2272 |
| Council of State Administrators of Vocational Rehabilitation- | 1 Research Court, Suite 450, Rockville, MD 20850, | Phone: (301)519-8023 |
| National Council on Rehabilitation Education | 1099 E. Champlain Drive Suite A, # 137 Fresno, CA 93720, | Phone: (559) 906-0797 |
| RSA/OSERS/Department of Education | Lawrence.Vrooman@ed.gov | Phone: (202) 245-6523 |
| WINTAC – Workforce Innovation Technical Assistance Center Maureen McGuire-Kuletz | mkuletz@gwu.edu | Phone: (202) 973-1558 Wintac.org |
| National Automatic Merchandising Association | 20 N. Wacker Drive, Suite 3500 Chicago, IL 60606 | Phone: (312) 346-0370 Fax: (312) 704-4140 |
| Administration for Community Living Elizabeth Akinola | Elizabeth.Akinola@acl.hhs.gov | (202) 795-7292 |
| National Prison Braille Network Jayma Hawkins | Jhawkins@aph.org | (502) 899-2302 |
| American Printing House for the Blind Cindy Amback | CAmback@aph.org | (502) 899-2257 |
| NFBEI Terry Smith | terrysmith@epbfi.com | (865) 599-7148 |

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

COMPOSITION & STAFFING

Boards, Committees, or Councils related to DVI:⁸

- Council on the Blind.
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council).
- Independent Living Advisory Council.⁹
- Statewide Independent Living Council.¹⁰
- Business Enterprise Program/Blind Vendors Committee.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.¹¹

Number of Members:

- Council on the Blind, 7 members.
- Vocational Rehabilitation Advisory Council, 8 voting members and 1 non-voting member. There are 6 vacant positions.
- Independent Living Advisory Committee, 11 members.
- Business Enterprise Program/Blind Vendors Committee, 3 members and 2 alternate members.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities, 7 voting members and 2 non-voting members.

⁸ Analyst's Note: Additional information is needed on several of the following committees and councils, such as how they were created, whether they are codified, and where they are housed.

⁹ Public meeting calendar states that the DVI Director appoints members to this council. By-laws provided in Appendix E.

¹⁰ Additional information on this council, including how it was created or where it is housed, was not provided. The Council's website is <https://dvr.delawareworks.com/silc.php>.

¹¹ Relevant statute provided in Appendix C.

Current Vacancies:

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

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

Length of Terms & Qualifications:

- Council on the Blind.¹²
 - Under its statute, the Council on the Blind consists of 7 members who are appointed for 3-year terms. Members may serve multiple terms.¹³
 - 3 to 4 members may be affiliated with one of the major political parties, and 2 to 3 of the newly-appointed members may be affiliated with the other major political party. There may be no more than a bare majority representation of one major political party over the other major political party. Any person who declines to announce their political affiliation is eligible for appointment as a member of the Council.
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council)¹⁴
 - Members typically serve 3-year terms and are limited to serving 2 consecutive terms with the following exceptions:
 - A member appointed to fill a vacancy appointed for the remainder of the vacancy's term.
 - The terms of service of the member initially appointed is for such fewer number of years as will provide for the expiration of terms on a staggered basis.
 - The Vocational Rehabilitation Advisory Council consists of the following:
 - At least 1 representative of the Statewide Independent Living Council.
 - At least 1 representative of a parent training and information center established under the Individuals with Disabilities Education Act.
 - At least 1 representative of the client assistance program.
 - At least 1 qualified vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who serves as an ex officio, nonvoting member if the counselor is an employee of the designated State agency.
 - At least 1 representative of community rehabilitation program service providers.
 - 4 representatives of business, industry, and labor.
 - Representatives of disability advocacy groups representing a cross section of:
 - Individuals with physical, cognitive, sensory, and mental disabilities.

¹² See 29 Del. Code § 7913, in Appendix B.

¹³ This council's statute is provided in Appendix B.

¹⁴ This council appears to be mandated by federal law. More information on this council can be found at <https://dvr.delawareworks.com/src-members.php> and <https://dvr.delawareworks.com/state-rehab-council.php>.

- Individuals’ representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves.
 - Current or former applicants for, or recipients of, vocational rehabilitation services.
 - In a State in which one or more projects are funded under section 741 of this title, at least 1 representative of the directors of the projects located in the State.
 - At least 1 representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services Individuals with Disabilities Education.
 - At least 1 representative of the State workforce development board.
 - The Director of the designated State unit is an ex officio, nonvoting member.
- The Independent Living Advisory Council has no term limits or restrictions. Members must include blind or visually impaired individuals, and may include parents and guardians of blind and visually impaired individuals, non-governmental agencies, or other groups of individuals who are concerned with services to the blind and visually impaired community. The majority of members must be blind and visually impaired individuals or parents or guardians of blind and visually impaired individuals.
- Business Enterprise Program/Blind Vendors Committee
 - Under the Committee’s by-laws, a member’s term of office is two years or until a successor is elected. Any blind vendor that is operating a location on the date of the election is eligible to vote for 3 candidates for the committee. Each eligible voter may be a candidate for the committee.¹⁵
- Commission For Statewide Contracts to Support Employment For Individuals with Disabilities¹⁶
 - Commission members do not have set terms. The members have 7 voting members and 3 non-voting members, made up of the following:
 - Voting members:
 - The Director of Government Support Services.
 - The Director of the Division of Vocational Rehabilitation.
 - The Secretary of Finance.
 - 4 public Governor-appointees.
 - 1 must be an individual with a disability or a family member of an individual with a disability, who is 14 years old or younger. Except for this member, no public member may be affiliated with an entity

¹⁵ By-laws in Appendix E.

¹⁶ See 16 *Del. Code* § 9603 provided in Appendix C for reference. JLOSC recently reviewed this commission, as summarized in the JLOSC 2016 Final Report:

The Commission for the Purchase of Products and Services of the Blind and Other Severely Handicapped Individuals (“Commission”) was originally scheduled to be reviewed in 2014, however, severe storms led to the delay of the Sunset proceedings. The review was postponed until 2015. The Committee found that the Commission’s governing statute was in need of a significant update and that a perceived conflict of interest needed to be addressed. The Commission presented draft legislation to the Committee in January 2016, and after minor changes, House Bill 393 was approved and filed.

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

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

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

Member Removal Processes:

- Council on the Blind - Has no removal process, either by statute or by-law.¹⁷
- Vocational Rehabilitation Advisory Council
 - A member who misses 3 or more meetings in the preceding 12 months without reasonable cause is considered to have failed to fulfill their commitment to the Council and expected to return to active participation or tender resignation. A member representing an agency who terminates employment with that agency is no longer on the Council, and the Council must notify the Governor and recommend a new representative.
- Independent Living Advisory Committee
 - If a member has more than 2 unexcused absences, the Social Services Administrator will discuss their desire to continue on the committee. Leaves of absence are granted on a case-by-case basis.
- Business Enterprise Program/Blind Vendors Committee
 - This Committee has no removal process, by either statute or by-law.¹⁸
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities¹⁹
 - The office of a member who fails to attend 3 successive meetings without good cause or excuse or without leave of absence from the Chair is declared vacant by the Commission, and the Chair must notify the Governor of a vacancy on the Commission and request that the Governor shall fill the same.

Compensation:

- Council on the Blind
 - Members of the Council serve without compensation, but may be reimbursed for reasonable and necessary expenses incident to their duties as members.

¹⁷ By-laws were not provided.

¹⁸ By-laws in Appendix E. Statutory definition of Blind Vendors Committee could not be located. The Blind Enterprise Program was created under 29 *Del. Code* § 7929(b).

¹⁹ See § 9101-2.7, Title 16 of the Delaware Administrative Code.

- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council)
 - The Council may use funds allocated to the Council by the designated State unit under this subchapter (except for funds appropriated to carry out the client assistance program under section 732 of this title and funds reserved pursuant to section 730(c) of this title to carry out part C of this subchapter) to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.²⁰
- Independent Living Advisory Council
 - Members are not compensated.
- Business Enterprise Program/Blind Vendors Committee
 - Expenses incurred or authorized by the committee in the carrying out of its purposes and its statutory duties and responsibilities are paid for as management services from set-aside and matching federal funds, or from general revenue, or grants and donations in part or in whole.
 - Committee members and members of standing and other committees are entitled to per diem and travel expenses (as state law provides for state employees) while engaged in official activities of the committee unless otherwise agreed to by the committee and DVI.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities²¹
 - Members of the Commission shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Commission, and for travel expenses when away from their homes or regular places of business.

Member Trainings:

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

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

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

²⁰ Analyst's Note: Citation to this language was not provided.

²¹ See 16 *Del. Code* § 9603(g).

Avoiding Conflicts of Interest:

- Council on the Blind – Because this is an advisory council, conflict of interest is limited.²²
- Vocational Rehabilitation Advisory Council (aka State Rehabilitation Council)
 - Personal conflict of interest: While assisting the Council in carrying out its duties, staff and other personnel are not assigned duties by the Designated State Unit or any other agency or office of the State that would create a conflict of interest.
 - No member may vote on any matter that would provide direct financial benefit to the member or to a person or an organization with which the member is affiliated, or otherwise give the appearance of a conflict of interest. Each member is expected annually to sign and acknowledge that she or he has received notice of this requirement and agrees to abide by it.
- Independent Living Advisory Council - Because this is an advisory council, conflict of interest is limited.²³
- Business Enterprise Program/Blind Vendors Committee
 - Blind Operators' bylaws do not include any reference to conflict of interest. As a matter of practice, members recuse themselves from votes that involve a conflict of interest.
- Commission for Statewide Contracts to Support Employment for Individuals with Disabilities
 - A Commission or subcommittee member with an interest in a matter presented to or considered by the commission or a subcommittee for recommendation, authorization, approval, or ratification must disclose their interest prior to its acting on the matter. A majority vote then determines whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist.²⁴
 - If the Commission or subcommittee determines that a conflict exists, the conflicted member shall not vote on, use personal influence on, or participate (other than to present information or respond to questions) in the discussions or deliberations with respect to the matter. The member may not be counted in determining the existence of a quorum for the portion of the meeting where the matter that includes the conflict is under discussion or is voted upon. The minutes of the meeting shall reflect the disclosure made, the vote thereon, and where applicable, the abstention from voting and participation, and whether a quorum was present.²⁵

²² Analyst's Note: It appears there is no process for guiding conflicts.

²³ Analyst's Note: It appears there is no process for guiding conflicts.

²⁴ See § 9101-3.1, Title 16 of the Delaware Administrative Code.

²⁵ See *id* at § 9101-3.2.

Current Membership:**Council on the Blind**

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

Vocational Rehabilitation Advisory Council

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

Independent Living Advisory Committee

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

Independent Living Advisory Committee (continued)

| Individual | Appt. Date | Expiration Date | Position Held | Occupation | Professional/ Public Member |
|-------------------|-------------------|------------------------|----------------------|-------------------------------|--|
| Ken Rolph | 9/3/2013 | N/A | Member | Center for Independent Living | Public |
| Suzanne Howell | June 15, 2017 | N/A | Member | Consumer | Public |
| Carol Miller | October 4, 2017 | N/A | Member | Consumer | Public |

Business Enterprise Program/Blind Vendors Committee

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

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Commission for Statewide Contracts to Support Employment for Individuals with Disabilities

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

DVI Staff:

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

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

Staff are recruited and hired under the State of Delaware's Employment Link. DVI also works with professional organizations for recruitment opportunities at conferences and members' lists. All new

employees receive orientation materials. DVI uses the Delaware Learning Center to track training opportunities.

DVI adheres to a Comprehensive System of Personnel Development as a best practice in the rehabilitation field. DVI supports team members in a variety of avenues to preserve and prepare direct service providers for this vulnerable population. DVI also supports participation in professional organizations such as the Association of Education and Rehabilitation of the Blind and Visually Impaired, National Rehabilitation Association, and the National Council of Rehabilitation Educators.

DVI supports professional development through distance learning webinars from the vision community, such as Hadley School for the Blind, American Foundation for the Blind, VR Development Group, the Workforce Innovation Technical Assistance Center (“WINTAC”), and various assistive technology vendors. Employees are required to obtain continuing education units to remain certified in various vision rehabilitation disciplines. Distance learning opportunities are advantageous to the field.

In fiscal year 2018, DVI employees attended 38 training events, including courses, trainings, conferences, and workshops, that contributing directly to professional development. DVI employees attended 41 training events in fiscal year 2017.

Each program manager actively monitors the annual professional development plans (training needs assessments) and seeks resources to foster continuous growth of the DVI team.

| Staff Member Name & Title | Responsibilities | Percentage of Time Devoted to Responsibility |
|---------------------------|---------------------------------------|--|
| Elisha Jenkins | Director (Division operations) | 100% |
| Sandra Miller | Deputy Director (Division operations) | 100% |
| Jill Morrison | Special Projects | 100% |
| Michele Hamilton | Administrative Specialist | 100% |
| Olufonso Ogunsola | Fiscal Administrator | 100% |
| Erin Weaver | Education Program Manager | 100% |
| Matthew Tseronis | Information/Assistive Technology | 100% |
| Shirley Bryson | VR Program Manager | 100% |
| Melodye May | ILS Program Manager | 100% |
| Andrew Kloepper | Policy Administrator | 100% |
| Deborah Talley | Division Communications | 100% |
| Deborah Bradl | Contract Manager/ Administrations | 100% |
| Rob Schmidlkofer | BEP Director | 100% |

DVI Coordination of Services:

DVI coordinates its services with other state entities sharing similar objectives as follows:

- DVI collaborates with the Delaware Division of Services for Aging and Adults with Physical Disabilities (“DSAAPD”) to provide referral information to consumers who may benefit from services from either agency. Cross training is planned, to increase services to the visually impaired community through the Aging and Disability Resource Center. DSAAPD also cost shares expenses with DVI to provide agency information at outreach events.
- DVI representatives collaborate with the Division of State Service Centers to provide resources and agency information to all Delaware State Service Center locations. These resources are disseminated to State Service Center visitors to increase awareness of DVI services throughout Delaware.
- DVI collaborates with the Delaware Office of Volunteerism to develop an adapted fall prevention program, A Matter of Balance. This program combines physical exercise, home modification, and cognitive rethinking to decrease the incidents of falls in the visually impaired community.
- DVI and the Diabetes Prevention and Control Program provide information to Delawareans about their respective programs to ensure awareness at various levels. Both groups inform members of each organization about diabetes information and access to community services. DVI also assists with the planning of all of the Diabetes Wellness Expos.
- DVI has a long-standing partnership with the Division of Developmental Disabilities Services (“DDDS”) to provide supported employment services to youth and adults with the most significant disabilities. DVI also works in collaboration with DDDS, the Department of Education and local education agencies, community rehabilitation providers, and families and students who qualify for DDDS and who are blind or visually impaired so they can participate in the Early Start to Supported Employment program (“ESSE”). ESSE begins two years prior to high school exit and allows students to begin the employment process early. The objectives of the program are to connect students to adult services, allow them to participate in community-based work assessments and obtain employment upon exiting from high school or shortly thereafter.
- DVI works collaboratively with the Division of Vocational Rehabilitation (“DVR”) to provide a seamless referral process between the two agencies. Under the Workforce Innovation and Opportunity Act (“WIOA”) DVI and DVR work as partners to ensure comprehensive independent living services are provided to all Delawareans with disabilities. Other partners include the Workforce Development Board, Division of Employment and Training, Wagner-Peyser, and Dislocated Worker and Youth.
- The Delaware Department of Education (“DOE”) is developing a pilot program to support more students with disabilities to participate and succeed in career pathways during high school. The PIPEline to Career Success for Students with Disabilities is a collaboration with The National Alliance for Partnerships in Equity (“NAPE”), DOE Career and Technical Education (“CTE”), DOE Exceptional Children Resources, DVI, DVR, DDDS, Tilson & Diaz Solutions, Inc., and local education agencies.

- The Division works collaboratively with local education agencies; DOE; Statewide Programs for the Deaf, Hard of Hearing, and Deafblind; and Child Development Watch for early intervention and education services for individuals with vision loss.
- DVI also works collaboratively with the Center for Disabilities Studies’ Accessible Instructional Materials (“AIM”) Center and the Systematic Processes for Enhancing and Assessing Communication Supports (“SPEACS”) to enhance the lives of individuals with disabilities and their families through education, advocacy, service, and research.
- DVI’s Orientation and Mobility team provides technical assistance and works collaboratively with the Department of Transportation to increase independence of individuals with disabilities through access to public transportation.
- The DVI Instructional Materials and Resource Center collaborated with the Department of Corrections to design the work program, Men with a Message Program. Residents of the James T. Vaughn Correctional Center in Smyrna spend hours each day transcribing written and visual material into formats that are accessible to readers with visual impairments, such as braille. Every participant that produces braille has earned a Literary Braille Certification and received a Letter of Proficiency in unified English Braille. Several have received advanced certifications to translate all academic materials for visually impaired students.

Inter-agency agreements directly impacting DVI’s functioning:

| Type of Agreement | Description |
|---------------------------------------|--|
| Interagency Agreement: DOE, LEAs, DVI | Written to delineate services provided to children and youth with visual impairments. DVI is authorized to provide services to children and youth with visual impairments, ages birth to 21, in accordance with the rules and regulations of DOE and Delaware Law, 29 <i>Del. C.</i> § 7929; Chapters 21 and 23 of Title 31; and 14 DE Admin C. section 900. III. The purpose is to ensure, through a cooperative effort, that a free, appropriate public education is provided to all children and youth with visual impairments who are served by DVI, and the LEAs under the general supervision and direction of the DOE manager (DRM). - www.aimdelawarc.org |
| DVI/DOE/CDS MOU | DOE, with other AIM/AEM providers, furnish these resources to students with visual impairments. All AIM/AEM materials must be requested through the AIM/AEM centralized system in Delaware through a digital rights. |
| Unemployment Insurance-MOU | Allows DVI to access UI data to perform duties under WIOA. |
| WIOA-MOU | Establishing the design framework and partnerships of the State of Delaware’s One Stop Delivery System. |
| DVI/DVR-MOU | Designating the scope of services for each agency providing vocational rehabilitation. |

Administrative guidelines, policies, and decisions directly affecting DVI's functioning:

| Federal Partner Guidance (Rehabilitation Services Administration) | NAME |
|---|---|
| Tac-18-02 | Submission Procedures for Prior Written Approval Requests under the State Vocational Rehabilitation (VR) Services Program |
| TAC-18-01 | Two-Year Modification Requirements for Workforce Innovation and Opportunity Act (WIOA) Unified and Combined State Plans |
| TAC-17-01 | Performance Accountability Guidance for WIOA titles: I, II, III, and IV core Programs |
| PD 16-04 | Case Service Records |
| TAC-15-02 | Vision for VR in WIOA |
| PD-15-05 | Completing Financial Reports(SF 425) |
| TAC-13-02 | Designated State Entity |
| TAC 12-04 | Dual Customers |
| TAC-12=03 | Organizational Structure and Non-Delegable Duties |
| PD-18-02 | Supported Employment Services Financial Reporting |
| PD 18-01 | Supported Employment Financial Reporting |

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COMPLAINT AND DISCIPLINARY PROCESS

A DVI staff member handles constituent complaints received by DVI or the Secretary's Office. DVI receives few complaints, which are typically filed verbally and resolved within a day or two, whether it be a request for new equipment or additional services. No complaints have been filed with the Attorney General's Office.

| | Calendar Year 2016 | Calendar Year 2017 | Calendar Year 2018 |
|--|-------------------------------|-------------------------------|-------------------------------|
| Total Number of Complaints Received | Not available | 10 | 2 |
| Total Number of Complaints Investigated | Not available | 10 | 2 |
| Total Number of Complaints found to be Valid | Not available | All complaints were resolved. | All complaints were resolved. |
| Total Number of Complaints Forwarded to the Attorney General | 0 | 0 | 0 |
| Total Number of Complaints Resulting in Disciplinary Action | 0 | 0 | 0 |

Recent DVI Audit History:

State of Delaware Auditor Report Fiscal Year 2017: The State Auditor audited DVI regarding the compensation of teachers for the Visually Impaired.²⁶ The following is a summary of the audit's findings:

| | |
|---|--|
| In 2016, Reference Number: | 2016-018 |
| Federal Agency: | U.S. Department of Education State Department |
| Name: | Department of Health and Social Services |
| State Division Name: | Division for the Visually Impaired Federal Program: Vocational Rehabilitation Services |
| CFDA Number: | 84.126 |
| Compliance Requirement: | Allowable Cost and Activity – Time and Effort Reporting |
| Recommendation: | The Division should evaluate their procedures regarding time and effort reconciliations. The procedures should include (at least) quarterly reconciliations between budgeted and actual costs charged to the program. If actual costs will exceed the budget, the Division should request a waiver or approval from the grantor. |
| Explanation of disagreement with audit finding: | There is no disagreement with the audit finding. |

²⁶ The full report can be reviewed at: <https://auditor.delaware.gov/wp-content/uploads/sites/40/2018/09/Department-of-Health-and-Social-Services-Division-of-the-Visually-Impaired-Salary-Calculations-for-Merit-Teachers-Employed-at-State-Agencies-Inspection.pdf>, last accessed on March 27, 2019.

Action taken in response
to finding:

DHSS has reviewed and verified that the overall grant was not overcharged but in order to be compliant with Uniform Guidance, we will continue to update and strengthen our internal controls and procedures with the intent to provide reasonable assurance that the salary and wage charges are accurate, allowable and properly allocated. If it is found that actual costs exceed the budget, we will make the necessary adjustments and/or request a waiver or approval from the grantor in order to remain compliant. Time and effort reporting documentation for all staff outside of the Division for the Visually Impaired (grant owner) will be submitted to and approved by the Division for the Visually Impaired (grant owner) no less than quarterly.

Name(s) of the contact
person(s) responsible for
corrective action:

Dava Newnam & Kim Rachiele

Planned completion date for
corrective action plan:

February 1, 2016²⁷

Business Enterprise Program Audit Completed by Cover & Rossiter:

Cover & Rossiter²⁸ conducted an audit of “agreed upon procedures” in 2018 of DVI’s Business Enterprise Program (“BEP”). BEP’s goal is to provide self-employment opportunities, by creating snack bars, cafeterias, and vending route facilities on federal, state, and municipal properties, locations where, under law, DVI consumers are granted priority to operate vending facilities. Cross & Rossiter reviewed BEP’s accounting, recordkeeping, profit and loss reports, and bank accounts. The conclusions and recommendations are as follows:

- Cover & Rossiter was unable to cross reconcile DVI’s sample selection of Gross Revenue, Merchandise and Payroll expense from the semi-monthly Profit and Loss statements to the Annual Statement.
- Cover & Rossiter was unable to reconcile the bank statements to the cash on hand as reported on the Annual Report. The cash reported on hand as of 9/30/17 per the Annual Report was \$463,321. The bank statement balances for the same period was \$307,624.66, resulting in a variance of \$154,678.34. We are unable to ascertain why the variance exists.
- Excel is not suitable as the primary accounting system. Cover & Rossiter recommends the State shift recordkeeping to the State’s accounting system. If this is not an option then a stand-alone accounting software package such as QuickBooks (sic) or Peachtree is suggested. State-run programs that maintain processes outside of the States accounting system carry an off-books risk to the State that should be assessed.
- The State should assess the account reporting structure and staffing that the system will need to meet the needs of the BEP group overall. The Excel work that is prepared on BEP’s behalf is

²⁷ Analyst Note: DVI did not include in their responses to the JLOSC questionnaire if corrective action was put in place following the audit.

²⁸ Cover & Rossiter is an independent certified public accountant firm located in Wilmington, Delaware.

currently well maintained and is the only accounting system in place; it is important that due care on transition be taken ensure that an orderly transition takes place as to not disrupt the program overall. A team of accounting professions who are familiar with setting up accounting software and systems should be used. Additionally, longer term staffing will need to be considered as well.

Smyrna Rest Stop and Del-Tech sites:

- Too many individuals manage cash and it should be counted, reconciled to the sales reports and deposited as quickly as possible, at the closest bank near the rest stop instead of being carried by State employees to the New Castle office for processing and deposit.
- There is no inventory system in place that reconciles to a balance sheet account. This will need to be set up once an accounting system is selected.
- There is no integration of sales revenue into an accounting package. A point of sales system that can download data to QuickBooks or Peachtree would improve the linking of the two systems and provide better flow of data.

Set Aside Account:

- While performing our procedures we noted that a BEP owner inadvertently paid his set aside amount for two months in January and March of 2018. The State acknowledges that the overpayment exists and will make arrangements to refund the money back to the BEP owner.
- Cover & Rossiter noted that the State sends invoices to BEP owners on an inconsistent basis. This is a contributing factor as to why an owner over-paid their set-a-side. Cover & Rossiter suggested that, when the BEP owner sends in their profit and loss statements, they send a check at that time, instead of waiting for an invoice from the State. This would streamline the process, reduce work for the State, and fund the account sooner.

Agreed-Upon Procedures Related to Internal Audit of the Business Enterprise Program:

- The State's internal policies indicate that the State should audit internally each BEP owner's program report a minimum of once per year. As of the date of the audit, there were 4 internal audits performed and 5 enterprise owners. Cover & Rossiter obtained copies of three the internal audits and read the contents of the internal audit, which contained a summary report including the results of the internal audit signed by the State Internal Auditor, program director, or the BEP owner. It also contained the Enterprise Profit and Loss Statement, copies of accounts payable invoices, and reports to support gross revenue.
- Cover & Rossiter selected Internal Audit Report dated April 11, 2018, for the one month period ending October 31, 2018. It contained no findings. They traced the receipts to the profit and loss statement provided as part of the internal audit packet, and vouched the copies of invoices to the expenses reported on the profit and loss. Cover & Rossiter agreed with the Internal Audit Report of no findings.
- Cover & Rossiter selected Internal Audit Report dated February 6, 2018, for the one month period ending October 31, 2018. This report contained three findings; two pertained to timing of revenue recognition and the third related to lack of financial data with respect to gross

revenues from Duncan Donuts.²⁹ Cover & Rossiter agrees that revenue being delayed by a month was a standard practice for the program, and those sales reports need to be provided to vouch the gross revenue for the Duncan Donuts site.

- Cross & Rossiter traced the receipts to the profit and loss statement provided as part of the internal audit packet vouched the copies of invoices to the expenses reported on the profit and loss, and agreed with Mr. Mikhail's report of findings.
- Cross & Rossiter selected the Internal Audit Report dated May 2, 2018, for the one-month period ending January 31, 2018. It contained no findings. They traced the receipts to the profit and loss statement provided as part of the internal audit packet, vouched copies of the invoices to the expenses reported on the profit and loss, and agreed with the report of no findings.

Findings were as follows³⁰:

- The internal audits performed by the Internal Auditor are in order.
- We recommend that a follow up be made on the open items related to Duncan Donuts gross revenue reporting.
- We did not see a formal follow up process as part of the internal audit report findings.
- We recommend that when there are comments made by the internal auditor that there be a formal correction/action plan put in place and that the internal auditor work with program staff to monitor the plan and long-term resolution.

ENACTED LEGISLATION IMPACTING DVI

State Legislation:

A listing of all legislation that has made substantive amendments to the enabling legislation of DVI:

| Related Regulations | | |
|--|-----------|---|
| Delaware Code, Title 16 Chapter 96 | 6/23/1981 | The purpose of this chapter is to further the policy of the State to encourage and assist individuals with visual impairment and other disabilities to achieve maximum personal independence through useful and gainful employment by ensuring an expanded and constant market for their products and services. |
| Delaware Code, Title 31 Chapters 21, 23 | 3/31/1909 | To establish the Delaware Commission for the Blind and define the administration of assistance to the persons in need who are blind. |
| Delaware Code, Title 14 Chapter 2, 31/ C Section 900 | 7/14/1995 | To establish Braille Literacy rights and education of students with visual impairments and blindness. |

²⁹ Analyst Note: It is unclear from the materials provided to JLOSC staff, but this may be a spelling error and may have intended to be "Dunkin' Donuts."

³⁰ Analyst Note: DVI did not include in their responses to the JLOSC questionnaire if corrective action was taken following this audit. JLOSC has received public comment regarding the BEP. See the Additional Comments from the Committee Analyst section of this draft report.

Federal Legislation:

| Related Statutes | | |
|---|---|---|
| Workforce Innovation and Opportunity Act | 116 Part 677, 34 CFR Part 361, Part 388, 81 FR 55791 | Ensures core partners programs are assisting job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. |
| Rehabilitation Act of 1973 as amended- The Workforce Innovation and Opportunity Act | Title 1 Part A & B, Sec 100-111: USC 720-73;34 CFR 361 | Assists states to meet the current and future needs of handicapped individuals, so that individuals may prepare for and engage in gainful employment to the extent of their capabilities and assist states in meeting costs of vocational rehabilitation services. |
| Rehabilitation Act of 1973 as amended | Title VI Part B, 29 USC 795; 34 CFR Part 367 45 CFR 1329 | Ensures any individual, including a youth with a disability, is eligible to receive employment services if the individual meets eligibility criteria. |
| Randolph Sheppard Act | P.L. 74-732 as amended by PL 83-565 and PL 93-516; 20 USC Sec 107 | Mandates a priority to blind persons to operate vending facilities on federal property. |
| Rehabilitation Act of 1973 as amended | Title VII Chapter 1 as amended by WIOA 2014 | Promotes a philosophy of independent living including consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, to maximize leadership, empowerment, independence and productivity of individuals with disabilities, and the integration of full inclusion of individuals with disabilities into the mainstream of American society. |
| Rehabilitation Act of 1973 as amended | Title VII Chapter 2 Sec 751-753; 29 USC 796j-796i | Provides independent living services to older individuals who are blind, activities to improve or expand services, and activities to help improve public understanding of the problems of such individuals. |
| Education Department General Administrative Regulations (EDGAR) | 34 CFR EDGAR | Provides vocational rehabilitation services guidance, including state plan and reporting. |
| US Department of Education IDEA | Part B and C | Assists states in providing special education and related services to children with disabilities. |

PENDING & PROPOSED LEGISLATION

There is no pending legislation that would affect DVI.

DVI proposes legislation as follows³¹:

- § 206(e), Title 14 – DVI will continue to pursue the reduction of the student/teacher ratio, as this practice has shown decreased long term costs to states while improving educational, employment, and independent living outcomes. This ratio would be consistent with the national student/teacher ratio, which has proven to increase literacy and academic achievement among visually impaired students.
- § 7929(b), Title 29 – Legislation is needed to facilitate the official closing of Delaware Industries for the Blind.
- § 7929(1), Title 29 – Under the Randolph Sheppard Act, blind operators are self-employed and independent. Delaware’s BEP is the only program that requires the operators to use the state’s payroll and pension services.

ADMINISTRATIVE PROCEDURES ACT COMPLIANCE

The only regulations that DVI promulgated relate to the Commission for Statewide Contracts to Support Employment of Individuals with Disabilities. Although the regulations are technically under DVI, they also relate to the work of other statewide agencies, such as set aside contracts and the Department of Labor. DVI’s Deputy Attorney General John Taylor reviews current rules and regulations to ensure adherence with governing statutes. There are no planned changes to the rules and regulations.

FREEDOM OF INFORMATION ACT (“FOIA”) COMPLIANCE

As required by law, DVI responds to all FOIA requests as quickly and fully as possible. DVI has not received any FOIA violation complaints. DHSS leadership offers annual Public Integrity Act training to its leadership.

Meeting agendas are posted on the state’s calendar in accordance with Delaware’s Public Meetings Guidelines. Minutes are transcribed for all public meetings and posted on the public meetings calendar. Draft minutes are posted within 20 days of the meeting. Final minutes are posted upon approval.³²

DVI has not conducted any executive sessions or closed meetings. The Vocational Rehabilitation Advisory Council had two closed meetings on March 11 and 12, 2016, during its retreat, to discuss their concerns with the DHSS leadership regarding education and transition services. Action items from the meeting were used as next steps for division leadership.

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³¹ Analyst Note: The current versions of the laws DVI proposes amending are located in Appendix A.

³² Analyst Note: It is unclear which committee or council DVI is referring to in this section.

FISCAL INFORMATION**Actual Revenue:**

| Division Actual Revenue for FY 17, FY 18, FY 19 | | | | |
|--|-------------|----------------|----------------|----------------|
| | APPR | SFY 2019 | SFY 2018 | SFY 2017 |
| General Funds allocated | | Budgeted | Actual | Actual |
| Personnel Costs | 00137 | \$3,667,700.00 | \$3,667,639.95 | \$3,175,356.56 |
| Travel | 00140 | \$1,500.00 | \$1,013.54 | \$623.15 |
| Contractual Services | 00150 | \$602,200.00 | \$398,800.00 | \$564,978.99 |
| Energy | 00159 | \$67,400.00 | \$70,630.00 | \$64,625.09 |
| Supplies and Materials | 00160 | \$67,300.00 | \$67,300.00 | \$67,300.00 |
| Capital Outlay | 00170 | \$39,100.00 | \$39,100.00 | \$39,099.99 |
| Technology Assistance | 00176 | | | \$32,500.00 |
| Total General Funds | | \$4,445,200.00 | \$4,244,483.49 | \$3,944,483.78 |
| | | | | |
| Special Funds Revenue | | Actual | Actual | Actual |
| Ability to pay | 20032 | \$1,080.80 | \$5,288.13 | \$3,410.26 |
| DIB Investment | 20369 | \$0.05 | \$1.09 | \$76,207.31 |
| Donations | 20384 | \$8,779.37 | \$84,346.88 | \$39,356.05 |
| Webber Trust | 20581 | - | - | - |
| Lions Club | 20601 | - | - | - |
| Social Security | 20809 | - | - | - |
| Anniversary Fund | 21067 | - | - | - |
| Total Special Funds | | \$9,860.22 | \$89,636.10 | \$118,973.62 |
| | | | | |
| | | | | |
| Federal Funds | | Anticipated | Actual | Actual |
| | | | | |
| VR Basic Grant | 40292 | \$1,492,000.00 | \$1,486,263.00 | \$1,500,257.00 |
| Supported Employment | 40293 | \$42,000.00 | \$42,000.00 | \$42,000.00 |
| Independent Living | 40294/40595 | \$49,807.00 | \$49,807.00 | \$45,803.00 |
| Older Blind Independent Living | 40609 | \$225,000.00 | \$225,000.00 | \$225,000.00 |
| Education | 40564 | \$150,000.00 | \$150,000.00 | \$205,030.00 |
| Total Federal Funds | | \$1,958,807.00 | \$1,953,070.00 | \$2,018,090.00 |
| | | | | |
| | | | | |

Actual Expenditures:

| Division Actual Expense for FY 17, FY 18 | | | | |
|---|-------------|----------------|----------------|----------------|
| | APPR | SFY 2019 | SFY 2018 | SFY 2017 |
| General Funds allocated | | Budgeted | Actual | Actual |
| Personnel Costs | 00137 | \$721,296.03 | \$3,667,639.95 | \$3,175,356.56 |
| Travel | 00140 | - | \$1,013.54 | \$623.15 |
| Contractual Services | 00150 | \$12,407.68 | \$373,705.63 | \$564,978.99 |
| Energy | 00159 | \$4,608.95 | \$63,699.60 | \$64,625.09 |
| Supplies and Materials | 00160 | \$6,286.49 | \$65,976.00 | \$67,300.00 |
| Capital Outlay | 00170 | - | \$37,601.00 | \$39,099.99 |
| Technology Assistance | 00176 | | | \$32,500.00 |
| | | | | |
| Total General Funds | | \$744,599.15 | \$4,209,635.72 | \$3,944,483.78 |
| | | | | |
| Special Funds Revenue | | Actual | Actual | Actual |
| Ability to pay | 20032 | \$494.19 | \$5,203.84 | \$3,423.21 |
| DIB Investment | 20369 | - | - | \$76,190.15 |
| Donations | 20384 | \$8,583.52 | \$94,030.80 | \$32,396.76 |
| Webber Trust | 20581 | - | - | - |
| Lions Club | 20601 | - | - | - |
| Social Security | 20809 | - | - | - |
| Anniversary Fund | 21067 | - | - | - |
| | | | | |
| Total Special Funds | | \$9,077.71 | \$99,234.64 | \$112,010.12 |
| | | | | |
| | | | | |
| Federal Funds | | Anticipated | Actual | Actual |
| | | | | |
| VR Basic Grant | 40292 | \$1,492,000.00 | \$1,226,166.45 | \$1,357,242.50 |
| Supported Employment | 40293 | \$42,000.00 | - | \$13,913.85 |
| Independent Living | 40294/40595 | \$49,807.00 | \$38,528.62 | \$45,803.00 |
| Older Blind Independent Living | 40609 | \$225,000.00 | \$215,777.57 | \$224,974.21 |
| Education | 40564 | \$150,000.00 | \$141,567.69 | \$203,111.60 |
| | | | | |
| Total Federal Funds | | \$1,958,807.00 | \$1,622,040.33 | \$1,845,045.16 |

**DVI Business Enterprise Program
Profit and Loss Statement
Combined BEP Manager and SLA**

PERIOD

*Federal Fiscal Year 2018
(Only covers 10/1/17 thru 7/31/2018)*

SALES

| | | |
|--------------------------|-----------------------|----------------|
| Café Sales | \$532,717.08 | 33.53% |
| Vending Contract Sales | \$853,097.69 | 53.69% |
| Other /HDC | \$203,204.34 | 12.79% |
| Discount | (\$77.69) | |
| TOTAL GROSS SALES | \$1,588,941.42 | 100.00% |

| | | |
|-------------------------|--------------|--------|
| Register - Over/(Short) | (\$1,330.13) | -0.08% |
|-------------------------|--------------|--------|

| | | |
|----------------------|-----------------------|---------------|
| GROSS PROFITS | \$1,587,611.29 | 99.92% |
|----------------------|-----------------------|---------------|

DIRECT PAYMENTS

| | | |
|--------------------------|--------------|--------|
| SALARY FOOD SERVICE | \$90,536.14 | 5.70% |
| FRINGE BENEFITS | \$41,771.37 | 2.63% |
| OPERATING EXPENSE | \$183,713.95 | 11.57% |
| REPAIR & REPLACEMENTS | \$0.00 | 0.00% |
| VENDING CONTRACT EXPENSE | \$604,415.29 | 38.07% |
| CAFÉ CONTRACT EXPENSE | \$406,810.08 | |
| MERCHANDISE PURCHASED | \$110,989.63 | 6.99% |

| | | |
|-----------------------|-----------------------|---------------|
| TOTAL PAYMENTS | \$1,438,236.46 | 90.59% |
|-----------------------|-----------------------|---------------|

| | | |
|------------------|--------------|-------|
| BALANCE (INCOME) | \$149,374.83 | 9.41% |
| Other Income | \$0.00 | 0.00% |

| | | |
|-------------------------------|---------------------|--------------|
| AMOUNT FOR SET ASIDE % | \$149,374.83 | 9.41% |
|-------------------------------|---------------------|--------------|

| | | |
|------------------|--------------|--|
| SET ASIDE | (\$9,135.88) | |
|------------------|--------------|--|

| | | |
|------------------------|--------------|--|
| TOTAL SET ASIDE | (\$9,135.88) | |
|------------------------|--------------|--|

| | | |
|-------------------|---------------------|--------------|
| NET INCOME | \$140,238.95 | 8.83% |
|-------------------|---------------------|--------------|

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DVI Business Enterprise Program

Profit and Loss Statement

Combined BEP Manager and SLA

PERIOD *Federal Fiscal Year 2017*

SALES

| | | |
|--------------------------|-----------------------|----------------|
| Café Contract Sales | \$710,039.90 | 36.25% |
| Vending Contract Sales | \$941,280.18 | 48.06% |
| Other/HDC/Store | \$307,747.04 | 15.71% |
| Discount | (\$597.03) | |
| TOTAL GROSS SALES | \$1,958,470.09 | 100.03% |

| | | |
|-------------------------|--------------|--------|
| Register - Over/(Short) | (\$9,524.26) | -0.49% |
|-------------------------|--------------|--------|

| | | |
|----------------------|-----------------------|---------------|
| GROSS PROFITS | \$1,948,945.83 | 99.54% |
|----------------------|-----------------------|---------------|

DIRECT PAYMENTS

| | | |
|--------------------------|--------------|--------|
| SALARY FOOD SERVICE | \$100,100.89 | 5.14% |
| FRINGE BENEFITS | \$51,228.57 | 2.63% |
| OPERATING EXPENSE | \$258,968.21 | 13.29% |
| REPAIR & REPLACEMENTS | \$0.00 | 0.00% |
| VENDING CONTRACT EXPENSE | \$673,455.94 | 34.55% |
| DUNKIN CONTRACT EXPENSE | \$501,189.49 | 25.72% |
| MERCHANDISE PURCHASED | \$138,405.83 | 7.10% |

| | | |
|------------------------------|-----------------------|---------------|
| <i>TOTAL PAYMENTS</i> | \$1,723,348.93 | 88.42% |
|------------------------------|-----------------------|---------------|

| | | |
|------------------|--------------|--------|
| BALANCE (INCOME) | \$225,596.90 | 11.58% |
| Other Income | \$0.00 | 0.00% |

| | | |
|-------------------------------|---------------------|---------------|
| AMOUNT FOR SET ASIDE % | \$225,596.90 | 11.58% |
|-------------------------------|---------------------|---------------|

SET ASIDE **-10.00%** (\$20,173.90)

TOTAL SET ASIDE (\$20,173.90)

| | | |
|-------------------|---------------------|---------------|
| NET INCOME | \$205,423.00 | 10.54% |
|-------------------|---------------------|---------------|

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**DVI Business Enterprise Program
Profit and Loss Statement
Combined BEP Manager and SLA**

Period Federal Fiscal Year 2016

SALES

| | | |
|--------------------------|-----------------------|----------------|
| Café Contract Sales | \$591,204.94 | 33.62% |
| Vending Contract Sales | \$912,963.95 | 51.91% |
| Other/HDC/Store | \$254,505.18 | 14.47% |
| Discount | \$0.00 | |
| TOTAL GROSS SALES | \$1,758,674.07 | 100.00% |

Register – Over / (Short) (54.95)

GROSS PROFITS \$1,758,619.12 100.00%

DIRECT PAYMENTS

| | | |
|--------------------------|--------------|--------|
| Salary Food Service | \$29,111.00 | 1.66% |
| Fringe Benefits | \$44,221.52 | 2.51% |
| Operating Expense | \$120,348.89 | 6.84% |
| Repair & Replacement | \$0.00 | 0.00% |
| Vending Contract Expense | \$652,876.88 | 37.12% |
| Café Contract Expense | \$497,769.25 | 28.30% |
| Merchandise Purchased | \$160,803.65 | 9.14% |

TOTAL PAYMENTS \$1,505,131.19 85.59%

| | | |
|------------------------|--------------|--------|
| BALANCE (INCOME) | \$253,487.93 | 14.41% |
| AMOUNT FOR SET AT SIDE | \$221,706.66 | |
| Set A Side | \$22,118.42 | |

NET INCOME \$231,369.51

Financial Statements for Delaware Industries for the Blind (DIB):

DVI supplied combined income statements for the Delaware Industries for the Blind (DIB) for fiscal years 2016 – 2018 and they are located in Appendix D.

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Federal Funds Received:

| Federal Funds | | Anticipated | Actual | Actual | State Match |
|--------------------------------|-------------|--------------------|----------------|----------------|--------------------|
| VR Basic Grant | 40292 | \$1,492,000.00 | \$1,226,166.45 | \$1,357,242.50 | 21.3% |
| Supported Employment | 40293 | \$42,000.00 | - | \$13,913.85 | 10% |
| Independent Living | 40294/40595 | \$49,807.00 | \$38,528.62 | \$45,803.00 | 10% |
| Older Blind Independent Living | 40609 | \$225,000.00 | \$215,777.57 | \$224,974.21 | 10% |
| Education | 40564 | \$150,000.00 | \$141,567.69 | \$203,111.60 | |
| | | | | | |
| Total Federal Funds | | \$1,958,807.00 | \$1,622,040.33 | \$1,845,045.16 | |

The following external factors have negatively affected the Division’s revenue or expenditures over the last 3 years:

1. Under the Workforce Innovation and Opportunity Act, vocational rehabilitation agencies are required to reserve 15% of their grant award for pre-employment transition services. This unfunded mandate affected DVI’s resources for adults and any services that do not align with the 5 required and 9 authorized services.
2. Delaware Industries for the Blind (“DIB”) closed in March 2017. DIB experienced challenges with:
 - Responding to the recession.
 - Reduction of resources allowed by state agencies for employee recognition rewards.
 - Classification of being a sheltered workshop.
 - Ineffective and inefficient business model that ultimately resulted in cash flow issues.
3. DVI’s funding from federal partners and DOE has remained stagnant without any cost of living adjustments. Especially with the increased needs of students with visual impairments, DVI does not receive the same level of funding as school districts to provide a free and appropriate education.

ACCOMPLISHMENTS

1. In 2016, DVI hired an education administrator to fill a position that had frequent turnover and vacancies for almost 15 years. The current education administrator has 25 years of experience, is a certified TVI, has a literacy degree, and has training in O&M. She is providing consistency and structure for the DVI Education and O&M units by assisting with recruiting, hiring, and mentoring new staff. With her leadership and the support of DHSS and DVI, the education administrator is supporting new teachers to obtain their TVI certification through tuition assistance and has increased the number of TVIs hired by DVI from 8 to 13. In addition, she has enhanced communication to families and students, the DOE, and local education agencies

throughout Delaware, strengthening the collaboration and improving services to students who are blind or visually impaired.

2. DVI continues to develop and expand the activities offered to students related to the Expanded Core Curriculum (“ECC”), to provide students who are blind or visually impaired specific instruction in a specialized set of vision-related skills. These include compensatory skills, orientation & mobility, social interaction, independent living, recreation and leisure, sensory efficiency, assistive technology, career education, and self-determination. Examples of programs that DVI offers include Children’s Beach House, Mission Transition, and Summer Academy.
3. Education reform: DVI participates in the Quality Programs for Students with Visual Impairments initiative designed to enhance services for students with visual impairments through establishing standards of practice, uniformity of practice and program accountability. In less than one year, there has been a 48% increase in the number of Functional Vision Assessments and Learning Media Assessments being present and timely.
4. DVI’s Vocational Rehabilitation Unit (“DVI/VR”), despite major legislative and funding changes, has continued to provide services to Delawareans who are seeking employment and who are blind or visually impaired with no waiting list. In addition, DVI/VR accepts referrals for students with visual impairments as early as the age of 14, the age at which transition services start in Delaware. This allows students to meet well before leaving high school with adult service providers participate in transition activities and develop Individualized Plans for Employment (“IPE”) identifying services needed in order to achieve employment. It also allows for more collaboration among DVI and education staff in order to share information, align services, and expand opportunities without duplicating efforts.
5. Through the Independent Living Services unit at DVI, older adults are afforded the opportunity to “age in place” and maintain an independent lifestyle by learning to manage activities of daily living with adaptive techniques and devices.
6. DVI has expanded outreach efforts by utilizing an automated calling system and electronic email application to ensure consumers are aware of events and kept informed.
7. DVI has procured a variety of assistive technology devices in order to increase access to education, employment and independence for its consumers. The devices are available to explore through individual appointments as well as through group workshops.
8. DVI’s Men with a Message Program was awarded the Library of Congress Literacy Award (2015) - Best Practices.

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CHALLENGES

1. DVI is one of the state's smallest agencies, yet is the primary agency serving Delawareans who are blind or visually impaired. DVI has an impact on the lives of many, offering a continuum of critical services. DVI is continually challenged by limitations of resources, both personnel and financial.
 - There is a national shortage of TVIs and Certified O&M Specialists ("COMS"). And, Delaware has no programs offering training and certification for a TVI, COMS, certified vision rehabilitation therapist ("CVRT"), or vocational rehabilitation counselor. Given the lack of training offered locally and the lack of certified providers nationally, DVI is challenged with recruiting and adequately staffing its programs, resulting in higher caseloads, increased risk of accruing compensatory time, and turnover.
 - The recent expansion of the eligibility criteria for students who are blind or visually impaired has increased the number of referrals DVI has received for education services. This increase means more students receiving evaluation, direct services, and consultative services. DVI is receiving more requests for accessible materials and low vision and assistive technology devices, and there is an increase in the need for orientation and mobility services.
 - The increase in the senior population and their need for vision services is quickly outnumbering the availability of trained professionals. Federal, state, and local funding is not adequate to cover the required services and related devices. Medicare does not cover all specialized service professionals and assistive technology and low vision devices are not consistently covered by funding sources, including insurance and Medicare.
2. DVI's education program provides itinerant services to children who are visually impaired, which includes assessment, direct instruction, or consultation. These services are provided to families and personnel in Delaware school districts, charter schools, and private schools where there are students who are visually impaired in the classroom. TVIs work in every Delaware school district and with every local education agency to ensure that students with visual impairments are able to access education programs equal to that of their peers. This program also assists with the provision and instruction on use of appropriately formatted educational materials such as braille and large print, and assistive technology to students who are visually impaired. Vision specific aids and equipment that will assist the student in the classroom are also provided. DVI's challenge in this category is due to being housed within the Department of Health and Social Services and receiving only IDEA Part B funding in the form of a sub grant, averaging about \$155,000 per school year. This sub grant goes toward educator training required to maintain credentials, assistive technology for students and teachers, and the development of accessible materials.
3. DVI is often challenged by varying priorities of stakeholders and the need to maintain the daily operations of the agency. Given the specialized nature of the services DVI offers and the staffing challenges mentioned above, it is difficult to maintain services and prioritize time for strategic planning and developing innovative programs to address the needs of all Delawareans who are blind or visually impaired.

OPPORTUNITIES FOR IMPROVEMENT

Opportunities for improved operational efficiency under the topics of education and the Business Enterprise Program are as follows:

Education:

Better Communication: DVI provides mandated, itinerant educational services, in conjunction with local school districts, to students who are blind or visually impaired. DVI provides assessments, educational services, educational materials, assistive technology, vocational rehabilitation services for transition-aged students, and orientation and mobility services. DVI is organized under DHSS. The stakeholders' preference varies on the placement of education services for students with visual impairments between DHSS and the State of Delaware Merit TVIs and O&M Specialists. There is opportunity for better communication between the two organizations and DVI.

Extending Education Program Services: DVI's Education Program continues to see growth realizing an 11% growth over fiscal year 2017 to fiscal year 2018. On August 25, 2017, the United States Department of Education issued guidance to local education agencies regarding eligibility determinations of students with visual impairments. The requirement, federal Individuals with Disabilities Education Act (IDEA) regulations 34 CFR §300.8(c) (13), has increased the number of referrals, assessments, and services under the IEPs provided by TVIs. Any impairment in vision, regardless of severity, is covered, if such impairment, even with correction, adversely affects a child's educational performance. This rate of growth (averaging 8.5%) is projected to continue in fiscal year 2020 and fiscal year 2021 due to the interpretation and the assessments required for students. The referral growth will average 52 new students being served. This presents an area of opportunity for DVI to extend their education program services.

Historically, DVI receives about \$155,000 from the DOE. Due to DVI not being a local education agency, there are limited resources to support the extensive needs of students with visual impairments. Below are a few examples of service models throughout the region:

- The New Jersey Commission for the Blind contracts with local school districts to provide services to children in school. The New Jersey Commission for the Blind assesses a fee schedule each school year for education services:
 - Level 1: (4-8 visits): \$1,900.
 - Level 2: (9-30 visits): \$4,500.
 - Level 3: (3 sessions per week): \$12,600.
 - Level 4: (4 sessions per week): \$14,300.
- Pennsylvania's DVI-equivalent agency does not provide direct educational services.

- Maryland’s DVI-equivalent agency does not provide direct educational services. The Maryland School for the Blind offers statewide educational outreach services once referred from the student’s local educational agency.

Instructional Resources and Materials: More funding is needed to support the production of instructional resources and materials. DVI does not receive funding to produce instructional resources and materials. Although DVI typically produces a majority of the requested materials, due to the number and nature of the requests this school year, DVI purchased 26 books and paid vendors \$80-\$120 per page of material to be transcribed. One recently-purchased chemistry book cost the agency \$5,544 for one student. To date, the Instructional Resources and Materials Center (“IRMC”) received 431 requests. Of the 431, the IRMC produced 276 of these requests, 41 requests were retrieved from inventory, 59 electronically accessed from an on-line library, and 29 requests are in process.

Provision of Educational Services: Lack of adequate funding for the current and future school years creates delays in assessments, services and the development or purchase of accessible materials or equipment. This puts the school district at risk for being out of compliance with a student’s IEP and with providing a Free Appropriate Public Education exposing DVI to possible litigation.

Business Enterprise Program:

Adding Priority Areas: DVI is the state licensing authority for purposes of the Randolph-Sheppard Act, a federal law that mandates a priority to individuals who are blind or visually impaired to operate vending facilities on federal property. DVI’s Business Enterprise Program is designed to meet this mandate and provide enumerate business opportunities for legally blind Delawareans. Institutions of higher learning, the Department of Corrections, and interstate rest areas are not included in the mandate, but could improve opportunities for those who qualify for the BEP program.³³

Public Education: Equally important is the lack of knowledge of the BEP program and legislation related to it, making it difficult to implement, enforce, and expand to create the entrepreneurial opportunities intended by the Randolph-Sheppard Act.

Vending Facility Program Operations: The Blind Operators are currently on the state’s payroll system. The blind vendors, although independent business owners, are provided with a W-2 at the end of the year, unemployment insurance is paid on the vendor and deductions such as income taxes or Social Security are withheld for the facility employees, but not the vendors. However, the income received by the Blind Operator is based on the profits from their vending facilities. For example, if the vendors are state employees, they could be bound by state procurement policies. They would not have the freedom to choose their subcontractors and there would have to be a competitive process. Historically, this also poses a serious problem with the Social Security Administration for the Blind Operator jeopardizing benefits and face six figure overpayments. No other state has their vendors on state payroll. However, there are a few states, most notably Michigan where blind vendors are

³³ Analyst Note: Under the Surface Transportation Assistance Act, blind vendors are given priority in the operation of vending facilities in rest areas along interstate highways.

treated as employees for retirement purposes only. Even so, the vendors are not on state payroll. The Randolph-Sheppard Act allows DVI to contract with a private nonprofit to perform functions related to the day-to-operation of the vending facility program.

ADDITIONAL COMMENT FROM THE COMMITTEE ANALYST

The DVI request for review came from a citizen letter written to the JLOSC. After reviewing DVI's responses to the JLOSC questionnaire, questions remain regarding the following topics:

Business Enterprise Program:

There is concern from a member of public regarding BEP operations. An outside party conducted an audit, but it is unknown what steps DVI has taken since this audit or if DVI has implemented any of the recommended measures.

It is unclear how DVI would like to change or update BEP, how those changes should be made, or why DVI has not used all available avenues to make them. Changes through legislation and opportunities for improvement were made in DVI's responses to the JLOSC questionnaire, but the agency did not address that current law authorizes DVI to promulgate regulations to update BEP operations.³⁴ And, although DVI identified areas that could be added to the vending facilities mandate, it did not propose legislative changes to expand BEP's priority over vending facilities in institutions of higher learning, the Department of Corrections, or interstate rest areas.

DVI did propose the following legislative change: "29 DE Code §7929(1) – Under the Randolph-Sheppard Act blind operators are self-employed and independent. Delaware's BEP is the only program that requires the operators to use the state's payroll and pension services." BEP members are, however, covered under the State Employees' Pension Plan:

Any other provisions of this chapter notwithstanding, the blind and sighted employees of the concession stands which are operated by and under the control of the Bureau for the Visually Impaired, if otherwise qualified under this chapter and regardless of the source from which their respective salaries were heretofore paid, shall be considered in covered employment under this chapter, and the time from which their period of service shall be deemed to have commenced shall be the time when they began their respective service starting in 1948.³⁵

This provision was not addressed in DVI's legislation proposal. It is unclear how the proposed legislative change would impact or be impacted by § 5501(m).

Delaware Industries for the Blind:

DIB closed as of March 10, 2017. In the years leading up to closure, 2012-2017, DIB employed between 18 and 38 individuals.³⁶ As DVI reported in their JLOSC questionnaire responses, unemployment rates are typically very high with the visually impaired population. There was no mention of additional opportunities or plans to replace employment opportunities that DIB once offered.

³⁴ See 29 Del. C. § 7929 (b)(1).

³⁵ See 29 Del. C. § 5501(m).

³⁶ As reported in the annual reports to the Governor from the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.

Further, the history of DIB’s decline and closure is unclear, as is the current location and ownership of the state-owned equipment that DIB used. It is unknown if DIB operations were ever audited when it was active. The letter received by the JLOSC from a public citizen expressed concern over the operations and closure of DIB, and stated that the DIB program had been “losing money since 2011.” Now that operations closed, the visually impaired community has suffered a significant loss of future employment opportunities for an already struggling class of individuals. It unclear if private companies such as The Precisionists, Inc. have now expanded business operations to employ visually impaired individuals.

Additionally, despite closure in March 2017, DIB information remains online and DIB’s phone number and voicemail still work.³⁷ DIB’s final status is unclear, but DVI’s proposed legislative update suggests that DVI cannot officially close DIB operations without a change in statute.

Education:

Under Opportunities for Improvement, DVI outlines service models used throughout the region for contracting with school districts to supply visually impaired students with services. In their responses, DVI also outlined that the growth of students in need of DVI services would continue to grow with an average referral growth of 52 new students receiving services each year. The shortage of certified specialists was discussed under Challenges. But, no proposals to address these challenges were offered. It is unclear if DVI is considering the adoption of a service model outline to help offset the cost of providing services. It is also unknown if DVI has planned for this projected growth with regard to staff and staff training.

In addition, DVI noted in their JLOSC questionnaire responses that they face challenges with their current housing within the DHSS and, as a result, they are “receiving [only] IDEA Part B funding in the form of a sub grant, averaging about \$155,000 per school year.” DVI is also facing challenges with varying priorities of multiple stakeholders for the daily maintenance of agency operations. But, no solutions were suggested to alleviate these challenges.

Vocational Rehabilitation (“VR”):

DVI reported that the unemployment rate of those who are visually impaired is extremely high, approximately 70%. A member of the public is concerned about DVI VR programs underserving visually impaired Delawareans. It is unknown how DVI is implementing technology advances into the VR program to assist in obtaining employment opportunities for the visually impaired.

Orientation and Mobility (“O&M”):

There is a concern that not all of DVI’s instructors are capable of unitizing and teaching GPS technology applications. The public concern is that visually impaired Delawareans are not receiving adequate training that will allow them to be truly independent and not reliant on public transportation routes as a sole mode of transportation. It is unknown how DVI is implementing technology advances into orientation and mobility education.

³⁷ It is not known if the voicemails are being monitored.

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APPENDIX A

Title 29, § 7929. Division for the Visually Impaired.

(a) The Division for the Visually Impaired is established having the power to perform and be responsible for the performance of all powers, duties and functions heretofore vested in the Delaware Commission for the Blind, pursuant to Chapters 21 and 23 of Title 31 as formerly vested in the Division of Social Services.

(b) The Division for the Visually Impaired shall have the power to establish, monitor and oversee the operation of business programs for the purpose of providing training and employment for Delaware residents who are visually impaired. These business programs may include, but shall not be limited to, vending, engraving, retail food services, meal preparation and distribution, concession stands and any other such business programs as may be deemed appropriate by the Director of the Division for the Visually Impaired. Such programs shall be known as either Delaware Industries for the Blind or Business Enterprise Program.

(1) The Division for the Visually Impaired shall be authorized to promulgate rules and regulations to implement and operate the programs.

These rules and regulations shall include, but not be limited to, provisions relating to participant eligibility, personnel management, fiscal controls, marketing plans and enforcement of production quality standards.

(2) Participants in the business programs shall be employees of a particular program and may continue in that program only pursuant to the rules of the program. All participants shall adhere to the rules and regulations promulgated by the Division for the Visually Impaired.

(c) The Division Director shall be an exempt employee, knowledgeable and skilled in the field of services to the visually impaired and responsive to the needs and concerns of that population.

(d) The State accepts the provisions and benefits of the Vocational Rehabilitation Act of 1973 (P.L. 93-112) [29 U.S.C. § 701 et seq.], as amended. The Department of Health and Social Services shall act as the sole state agency with the Secretary of the Department as the State Officer, and the Division of the Visually Impaired as the Designated State Unit for all moneys from the act that are designated for persons with visual impairment and blindness. This is defined in a cooperative agreement dated December 1985 between the Department of Labor, Visually Impaired and

Vocational Rehabilitation. The Department shall cooperate with the U.S. Department of Education, Rehabilitation Services Administration, and, in accordance with all state laws, prepare the state plan and carry out the Rehabilitation Act of 1973 and amendments thereto.

Title 14, § 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, 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.

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APPENDIX B

Title 16, § 7913. Council on the Blind.

- (a) There is established the Council on the Blind.
- (b) The Council on the Blind shall serve in an advisory capacity to the Administrator of the Division for the Visually Impaired and shall consider matters relating to the general supervision and control of the education, training and welfare of persons who are blind residing in the State. The Council shall also consider such other matters as may be referred to it by the Governor, the Secretary of the Department or the Administrator of the Division for the Visually Impaired. The Council may study, research, plan and advise the Administrator, Secretary and Governor on matters it deems appropriate to enable the Division to function in the best possible manner.
- (c) The Council on the Blind shall be composed of 7 members who shall be appointed for 3-year terms by the Governor.
- (d) At least 3, but no more than 4, members of the Council shall be affiliated with 1 of the major political parties and at least 2, but no more than 3, of the newly appointed members shall be affiliated with the other major political party; provided, however, there shall be no more than a bare majority representation of 1 major political party over the other major political party. Any person who declines to announce such person's political affiliation shall also be eligible for appointment as a member of the Council.
- (e) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.
- (f) A Chairperson of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of 1 year and shall be eligible for reelection.
- (g) Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term shall be filled for the remainder of the term.

Title 29, § 8210. State Council for Persons with Disabilities.

- (a) There is hereby established a State Council for Persons with Disabilities.
- (b) This Council shall have the following duties and responsibilities:
 - (1) Promote coordination among all state programs, services and plans established for or related to persons with disabilities.
 - (2) Review, on a continuing basis, all state policies, plans, programs and activities concerning persons with disabilities which are conducted or assisted, in whole or part, by state departments, agencies or funds in order to determine whether such policies, programs, plans and activities effectively meet the needs of persons with disabilities.
 - (3) Make recommendations to the Governor, the General Assembly and all state departments and agencies respecting ways to improve the administration of services for persons with disabilities and for facilitating the implementation of new or expanded programs.
 - (4) Provide the Governor, the General Assembly, all interested agencies and the general public with review and comment on all state legislative proposals affecting people with disabilities.
 - (5) Provide policymakers and the general public with analyses and recommendations on federal and local governmental legislation, regulations and policies affecting state programs and persons with disabilities.
 - (6) Propose and promote legislation, regulations and policies to improve the well-being of persons with disabilities.
 - (7) Serve as a central state clearinghouse for information and data regarding:
 - a. The current numbers of persons with disabilities and their needs;
 - b. The location, provision and availability of services and programs for persons with disabilities;
 - c. Any other relevant information and data about persons with disabilities which the council deems appropriate.

(8) Prepare and submit to the Governor and the General Assembly an annual report of the activities of the Council and the status of services and programs for persons with disabilities.

(9) Serve as advisory council for the Community-Based Attendant Services program established by Chapter 94 of Title 16.

(10) Serve as the primary brain injury council for the State. In furtherance of this role, the Council shall:

a. Fulfill the duties and responsibilities set forth in paragraphs (b)(1) through (8) of this section with respect to persons with brain injuries;

b. Fulfill Council duties and responsibilities identified in the Concussion Protection in Youth Athletic Activities Act, codified at Chapter 30L of Title 16; and

c. Maintain a standing brain injury committee to facilitate prevention and centralized interdisciplinary planning, assessment and an improved service delivery system for individuals with brain injury comprised of the following members, or designees of such members:

1. Director of the Division of Public Health;

2. Director of the Division of Developmental Disabilities Services;

3. Director of the Division of Substance Abuse and Mental Health;

4. Director of the Division of Aging and Adults with Physical Disabilities;

5. Director of the Division of Prevention and Behavioral Health Services;

6. Director of Division of Vocational Rehabilitation;

7. Exceptional Children Director of Department of Education;

8. Chair of Governor's Advisory Council for Exceptional Citizens;

9. Chair of Developmental Disabilities Council;

10. Minimum of 3 survivors of brain injury or family members of such individuals; and

11. Representatives of prevention, planning, veterans and service delivery organizations appointed by the Council, including a representative of the state chapter of the Brain Injury Association of America and a representative of the "protection and advocacy agency" defined in § 1102 of Title 16.

(11) Serve as administrative agency for the Employment First Oversight Commission as established in § 745 of Title 19.

(c) For administrative purposes, this Council is placed within the Department of Safety and Homeland Security.

(d) This Council shall consist of the following members:

(1) The Secretary of Health and Social Services, or a designee of the Secretary;

(2) The Secretary of Labor, or a designee of the Secretary;

(3) The Secretary of Education, or a designee of the Secretary;

(4) The Secretary of Services to Children, Youth and Their Families, or a designee of the Secretary;

(5) The following councils, committees, agencies and organizations shall elect 1 of their members to serve as a member of the Council:

a. The Governor's Advisory Council for Exceptional Citizens;

b. Developmental Disabilities Council;

c. Governor's Committee on Employment of Persons with Disabilities;

d. Advisory Council to the Division of Developmental Disabilities Services;

e. Advisory Council to the Division of Substance Abuse and Mental Health;

f. Architectural Accessibility Board;

g. Delaware Transit Corporation;

h. Council on Services for Aging and Adults with Physical Disabilities;

i. Advisory Council on Public Health [repealed];

j. Council on Deaf and Hard of Hearing Equality;

k. Criminal Justice Council;

l. State Rehabilitation Advisory Council; and

m. Other councils, committees, agencies and organizations as approved by both the State Council for Persons with Disabilities and the affected council, committee, agency or organization;

(6) Individuals appointed by Council to ensure that at least 50% of the total membership are individuals with disabilities or family members with disabilities. At least 33% of the total membership shall be composed of individuals with disabilities.

(e) Any vacancy of a representative position under paragraphs (d)(1)-(5) of this section shall be filled by the respective council, committee, agency or organization within 1 month.

(f) Any member who misses either 3 consecutive meetings or 4 out of any 12 consecutive meetings shall be presumed to have resigned from the Council.

(g) Members of the Council shall serve without compensation, except that they may be reimbursed by the Department of Safety and Homeland Security for reasonable and necessary expenses incident to their duties as members of the Council to the extent funds are available therefore and in accordance with state law.

(h) The Council shall elect its own Chairperson.

(i) The Council shall determine its meeting schedule, but there shall not be less than 4 meetings each calendar year, open to the public, held in an accessible place and with reasonable accommodations as requested.

(j) A simple majority of the total membership shall constitute a quorum which shall be necessary to vote on any issue.

(k) As used in this section, "persons with disabilities" means any person who has a physical or mental impairment which substantially limits 1 or more major life activities, has a record of such impairment.

(l) For purposes of this section, the operations and activities of the Division for the Visually Impaired and the Governor's Advisory Council on the Blind shall be exempt from the purview of the State Council for Persons with Disabilities.

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APPENDIX C

TITLE 16

Health and Safety

Individuals with Disabilities

CHAPTER 96. STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT FOR INDIVIDUALS WITH DISABILITIES

§ 9601 Declaration of purpose.

The purpose of this chapter is to further the policy of the State to encourage and assist individuals with visual impairments and other disabilities to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for their products and services, thereby enhancing the dignity and capacity for self-support of individuals with visual impairments and other disabilities and decreasing their reliance on government benefits .

§ 9602 Definitions.

For the purposes of this chapter:

- (1) "Ability Network of Delaware" or "AND," or any succeeding name of this entity, means the state association whose membership includes community rehabilitation programs and other similar organizations, both public and private.
- (2) "Agency of this State" or "agency" means all counties, municipalities, school districts, or any other entity which is supported in whole or in part by funds that the General Assembly appropriated.
- (3) "Central nonprofit agency" or "CNA" means a public or private entity organized under the laws of this State, that the Commission selects to do at least 1 of the following:
 - a. Facilitate the provision, by subcontract or other means, of set-aside services or the production and distribution of set-aside commodities, in order to employ individuals with visual impairments and other disabilities.
 - b. Provide information the Commission has required under the provisions of this chapter and any applicable regulations.
- (4) "Commission," when capitalized and used as a noun, means the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.
- (5) "Community rehabilitation program" or "CRP" means a public or private entity that provides or coordinates rehabilitation services for individuals with visual impairments and other disabilities, including assessment, customized employment, medical, personal assistance, psychiatric, psychological, rehabilitation technology, supported employment, or vocational services.
- (6) "Disability" means as it is defined in the Americans With Disabilities Act of 1990, 42 U.S.C. § 12102.

- (7) "Family member" means an individual's parent, grandparent, stepparent, sibling, or spouse.
- (8) "Food service" means restaurant, cafeteria, snack bar, vending machines for food and beverages, and goods and services customarily offered in connection with any of the foregoing.
- (9) "Public office building" means any building owned or leased by the State and used for governmental purposes. It does not include public schools or buildings at residential institutions operated by the State. "Public office building" does not mean a building or property that is used as a public recreational facility, owned or leased by the State, and operated or occupied by the Department of National Resources and Environmental Control or the State Forestry Department. "Public office building" does not mean food service located in or on the property of any public building on the Delaware Turnpike.
- (10) "Set-aside" means a service or product that has been exempted from procurement under Chapter 69 of Title 29 and awarded by the Commission for a price that the Commission approved.
- (11) "Visual impairment" means central visual acuity that meets 1 of the following criteria:
 - a. Does not exceed 20/70, including blindness, in the better eye with correcting lenses.
 - b. If better than 20/70, is accompanied by a limit to the better field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

§ 9603 Commission for Statewide Contracts to Support Employment for Individuals with Disabilities — Appointment; composition; terms; vacancies; compensation.

(a) The Commission for Statewide Contracts to Support Employment for Individuals with Disabilities is established to fulfill the duties under § 9604 of this title.

(b) The Commission shall consist of 7 voting members and 3 nonvoting members and shall be comprised of the following:

- (1) Voting members:
 - a. The Director of Government Support Services.
 - b. The Director of the Division of Vocational Rehabilitation.
 - c. The Secretary of Finance.
 - d. Four public members appointed by the Governor.
 - 1. At least 1 of these must be an individual with a disability or a family member of an individual with a disability, who is 14 years old or younger.
 - 2. With the exception of a public member appointed under paragraph (b)(1)d.1. of this section, no public member may be affiliated with an entity or organization that has or is seeking to obtain a set-aside contract under this chapter.
- (2) Nonvoting members:
 - a. One representative of a CRP that employs individuals with disabilities.
 - b. The Director of the Ability Network of Delaware.
 - c. The Director of the Division for the Visually Impaired.

- (c) Members who serve by virtue of position may appoint a designee to serve in their stead.
- (d) Appointed members and designees serve in their stead at the pleasure of their respective appointing authority.
- (e) The Governor shall appoint 1 of the public members as the Commission Chair.
- (f) A majority of the voting members on the Commission constitutes a quorum to conduct official business.
- (g) Members of the Commission shall serve without compensation other than reimbursement for expenses actually incurred in connection with the work of the Commission, and for travel expenses when away from their homes or regular places of business.
- (h) The Commission may secure, directly from any agency of this State, information necessary to enable it to carry out this chapter. Upon request of the Chair of the Commission, the head or administrator of such agency shall furnish the requested information to the Commission.
- (i) The Commission shall, not later than 90 days following the close of each fiscal year, transmit to the Governor and to the General Assembly a report which shall include the names of the Commission members serving in the preceding fiscal year, the dates of the Commission meetings in that year, a description of its activities during that year, and any recommendations for changes in the law which the Commission might suggest.
- (j) Notwithstanding any other provision of the Delaware Code, members of the Commission may participate in a meeting of the Commission by means of conference telephone or other communications equipment by which all persons participating in the meeting can hear each other. Participating in a meeting pursuant to this subsection shall constitute presence in person at the meeting.

§ 9604 The Commission for Statewide Contracts to Support Employment for Individuals with Disabilities — Powers and duties; community rehabilitation programs and central nonprofit agencies.

- (a) The Commission for Statewide Contracts to Support Employment for Individuals with Disabilities shall promote an expanded and constant market for products and services of CRPs and other employers of individuals with visual impairments and other disabilities.
 - (1) At scheduled and noticed commission meetings, the Director of the Division for the Visually Impaired, Director of the Ability Network of Delaware, or the Commission representative of a CRP that employs individuals with disabilities shall propose to the Commission potential set-aside contracts with agencies and the price of products manufactured and services provided by a CRP or CNA that are offered for sale to the various agencies of this State.
 - (2) The price of a commission-approved, contracted set-aside shall recover for a CRP or CNA the cost of raw materials, labor, overhead, and delivery. The Commission may do any of the following:
 - a. Revise such prices from time to time in accordance with changing cost factors. Prior to the Commission voting on a proposal to revise prices, a subcommittee of the Commission shall review a proposal to revise prices and provide the Commission with advice regarding the proposal.

b. Make such rules and regulations concerning specifications, time of delivery, and other matters of operation as shall be necessary to carry out the purposes of the CRPs or CNAs and this chapter.

(b) The Commission shall create subcommittees to facilitate its work. The subcommittees shall advise the Commission and provide technical assistance to the Commission in areas such as employment practices, sales promotion, public relations, market development, market analysis, and budget preparation.

(c) [Repealed.]

(d) The Commission shall notify, in writing, Government Support Services whenever it grants a set-aside contract with agencies and establishes a price for the products or services to be sold to agencies pursuant to that contract. Government Support Services shall publish a list of products and services provided by CRPs or CNAs that the Commission recommends as suitable for procurement by agencies of this State pursuant to this chapter.

(e) The Commission shall promulgate regulations to govern its operations. The regulations shall address, at a minimum, the processes by which all of the following occur:

(1) CNAs are selected.

(2) Contracts, or portions of contracts, are set aside and awarded to CNAs or CRPs.

(3) Prices are set.

§ 9605 Procurement requirements for the State.

(a) If any agency of this State intends to procure a product or service on the procurement list published by Government Support Services under § 9604 of this title, that agency shall, in accordance with Commission rules and regulations, procure such product or service from a CNA or CRP at the price established by the Commission. If the product or service is available within the period required by that agency, such procurement is mandatory. This chapter, however, does not apply in any case where products or services are available for procurement from any agency of this State and procurement therefrom is required under any statute, rule, or regulation.

(b) Agencies of this State shall give preference to procuring any product or service under this chapter to a product or service of the Delaware Industries for the Blind. Upon approval by the Commission, the Director of Government Support Services may provide a waiver of the preference requirement under this subsection.

(c) In furthering the purposes of this chapter, and in contributing to economy of government, it is the intent of the General Assembly that there be close cooperation between the Commission and any agency of this State from which procurement of products or services is required under any state law. The Commission and any such agency are authorized to enter into such contractual agreements, cooperative working relationships, or other arrangements as may be necessary for effective coordination and efficient realization of the objectives of this chapter and any other law requiring procurement of products or services from any agency of this State.

§ 9606 Food service in public office buildings.

(a) If any agency of this State intends to operate or continue food service in a public office building, 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. No agency shall charge the

Division for the Visually Impaired or its food service vendors rent 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 from another provider.

(b) This section does not impair any contracts by agencies of this State validly existing prior to July 11, 1988; however, at the expiration of such existing contracts, the mandates contained in this section shall be binding on the agency.

(c) This section does not apply to any office building owned or leased by any county or municipal corporation, or any building leased, used, or owned by any institution of higher education.

(d) Notwithstanding any provision of subsection (a) of this section to the contrary:

(1) Any provision of 20 U.S.C. § 107 et seq. that limits accrual of vending machine income to the Division for the Visually Impaired on the basis of the annual income from such vending machines is not incorporated into the laws of this State by this section.

(2) Any provision of 20 U.S.C. § 107 et seq. that governs the use of vending machine income which accrues to the Division for the Visually Impaired is not incorporated into the laws of this State by this section.

(e) 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.

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APPENDIX D

FINANCIAL STATEMENTS FOR DELAWARE INDUSTRIES FOR THE BLIND (DIB)

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APPENDIX E

BY-LAWS FOR INDEPENDENT LIVING ADVISORY COMMITTEE (ILAC) AND COMMITTEE OF BLIND VENDORS

Combined Income Statement
For The 12 Periods Ended 6/30/2016

DELAWARE INDUSTRIES F/T BLIND (DIB)

| | Period to Date | % of Revenue | Year to Date | % of Revenue |
|------------------------------------|-------------------|---------------|---------------------|---------------|
| Revenue | (8.14 | | | |
| FEDERAL GOVT SALES - JWOD | 11,539.62 | 8.71 | 112,896.17 | 11.05 |
| FEDERAL GOVT SALES | 3,314.81 | 2.50 | 151,600.09 | 14.83 |
| STATE MERCHANDISE SALES | 104,880.76 | 79.16 | 646,669.27 | 63.28 |
| STATE SERVICE SALES | 3,128.03 | 2.36 | 75,296.98 | 7.37 |
| COMMERCIAL SALES | 9,630.29 | 7.27 | 35,528.96 | 3.48 |
| Total Revenue: | 132,493.51 | 100.00 | 1,021,991.47 | 100.00 |
| Cost Of Sales | | | | |
| MATERIALS | 59,973.13 | 45.26 | 462,386.04 | 45.24 |
| SHIPPING | 5,503.56 | 4.15 | 39,173.87 | 3.83 |
| Total Cost Of Sales: | 65,476.69 | 49.42 | 501,559.91 | 49.08 |
| Gross Profit: | 67,016.82 | 50.58 | 520,431.56 | 50.92 |
| Expenses | | | | |
| GENERAL & ADMIN EXPENSES | 0.00 | 0.00 | 87,481.66 | 8.56 |
| ADMIN SALARY EXPENSE | 0.00 | 0.00 | 21,748.13 | 2.13 |
| WAGES | 36,279.98 | 27.38 | 486,388.14 | 47.59 |
| PAYROLL TAXES | 2,775.46 | 2.09 | 37,209.28 | 3.64 |
| UNEMPL REIMB. EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 |
| COMMISSIONS & BONUS | 0.00 | 0.00 | 500.00 | 0.05 |
| WORKERS COMP | 2,823.00 | 2.13 | (10,986.38) | (1.07) |
| TRAINING EXPENSE | 0.00 | 0.00 | 2,288.00 | 0.22 |
| TRAVEL & ENTERTAINMENT | (1,296.53) | (0.98) | (73,188.88) | (7.16) |
| CREDIT CARD CHARGES | 27.21 | 0.02 | 30.75 | 0.00 |
| INSURANCE EXPENSE | 0.00 | 0.00 | 8,504.00 | 0.83 |
| SOFTWARE & LICENSING | 440.00 | 0.33 | 16,357.67 | 1.60 |
| TOOLS & SUPPLIES | 0.00 | 0.00 | 1,445.80 | 0.14 |
| JANITORIAL SERVICE CONTRACTS | 0.00 | 0.00 | 19,568.44 | 1.91 |
| CLEANING SUPPLIES | 0.00 | 0.00 | (75.56) | (0.01) |
| OFFICE SUPPLIES | 585.44 | 0.44 | 4,805.82 | 0.47 |
| POSTAGE | 94.00 | 0.07 | 198.28 | 0.02 |
| DUES & SUBSCRIPTIONS | 0.00 | 0.00 | 500.00 | 0.05 |
| FEES AND LICENSES | 0.00 | 0.00 | 345.00 | 0.03 |
| MISC EXPENSE | 0.00 | 0.00 | 519.20 | 0.05 |
| Total Expenses: | 41,728.56 | 31.49 | 603,639.35 | 59.07 |
| Net Income From Operations: | 25,288.26 | 19.09 | (83,207.79) | (8.14) |
| Other Income and Expense | | | | |
| INTEREST INCOME | 0.00 | 0.00 | 0.98 | 0.00 |
| Total Other Income and | 0.00 | 0.00 | 0.98 | 0.00 |
| Earnings Before Income Tax: | 25,288.26 | 19.09 | (83,206.81) | (8.14) |
| Net Income (Loss): | | 19.09 | | |

Combined Income Statement
For The 12 Periods Ended 6/30/2017

DELAWARE INDUSTRIES F/T BLIND (DIB)

| | Period to Date | % of Revenue | Year to Date | % of Revenue |
|------------------------------------|-------------------|----------------|--------------------|---------------|
| Revenue | | | | |
| FEDERAL GOVT SALES - JWOD | 17,346.18 | 95.61 | 195,067.54 | 28.59 |
| FEDERAL GOVT SALES | (27.50) | (0.15) | 71,679.33 | 10.50 |
| STATE MERCHANDISE SALES | 809.05 | 4.46 | 366,756.22 | 53.75 |
| STATE SERVICE SALES | 0.00 | 0.00 | 25,326.40 | 3.71 |
| COMMERCIAL SALES | 14.00 | 0.08 | 23,563.87 | 3.45 |
| Total Revenue: | 18,141.73 | 100.00 | 682,393.36 | 100.00 |
| Cost Of Sales | | | | |
| MATERIALS | 2,931.65 | 16.16 | 290,320.44 | 42.54 |
| SHIPPING | 526.36 | 2.90 | 20,858.37 | 3.06 |
| Total Cost Of Sales: | 3,458.01 | 19.06 | 311,178.81 | 45.60 |
| Gross Profit: | 14,683.72 | 80.94 | 371,214.55 | 54.40 |
| Expenses | | | | |
| WAGES | 6,931.84 | 38.21 | 351,466.38 | 51.50 |
| PAYROLL TAXES | 530.26 | 2.92 | 26,887.34 | 3.94 |
| UNEMPL REIMB. EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 |
| COMMISSIONS & BONUS | 0.00 | 0.00 | 500.00 | 0.07 |
| WORKERS COMP | 2,929.00 | 16.15 | 33,062.00 | 4.85 |
| TRAVEL & ENTERTAINMENT | 0.00 | 0.00 | (10,583.06) | (1.55) |
| CREDIT CARD CHARGES | 0.00 | 0.00 | 19.36 | 0.00 |
| FURNITURE & EQUIPMENT | 0.00 | 0.00 | 240.96 | 0.04 |
| SOFTWARE & LICENSING | 0.00 | 0.00 | 620.00 | 0.09 |
| TOOLS & SUPPLIES | 0.00 | 0.00 | 1,097.94 | 0.16 |
| REPAIRS & MAINT. - EQUIPMENT | 0.00 | 0.00 | 592.35 | 0.09 |
| OFFICE SUPPLIES | 0.00 | 0.00 | 5,600.43 | 0.82 |
| POSTAGE | 0.00 | 0.00 | 286.41 | 0.04 |
| DUES & SUBSCRIPTIONS | 0.00 | 0.00 | 991.00 | 0.15 |
| FEES AND LICENSES | 0.00 | 0.00 | 545.00 | 0.08 |
| MISC EXPENSE | 8,443.00 | 46.54 | 8,443.00 | 1.24 |
| Total Expenses: | 18,834.10 | 103.82 | 419,769.11 | 61.51 |
| Net Income From Operations: | (4,150.38) | (22.88) | (48,554.56) | (7.12) |
| Earnings Before Income Tax: | (4,150.38) | (22.88) | (48,554.56) | (7.12) |
| Net Income (Loss): | | (22.88) | | |

Combined Income Statement
For The 12 Periods Ended 6/30/2018

DELAWARE INDUSTRIES F/T BLIND (DIB)

| | Period to Date | % of Revenue | Year to Date | % of Revenue |
|------------------------------------|----------------|--------------|--------------|--------------|
| Revenue | 34.48 | | | |
| FEDERAL GOVT SALES - JWOD | 0.00 | 0.00 | 108,355.61 | 92.59 |
| STATE MERCHANDISE SALES | 0.00 | 0.00 | 7,216.95 | 6.17 |
| COMMERCIAL SALES | 0.00 | 0.00 | 1,451.48 | 1.24 |
| Total Revenue: | 0.00 | 0.00 | 117,024.04 | 100.00 |
| Cost Of Sales | | | | |
| MATERIALS | 0.00 | 0.00 | 21,377.47 | 18.27 |
| SHIPPING | 0.00 | 0.00 | 4,315.57 | 3.69 |
| Total Cost Of Sales: | 0.00 | 0.00 | 25,693.04 | 21.96 |
| Gross Profit: | 0.00 | 0.00 | 91,331.00 | 78.04 |
| Expenses | | | | |
| WAGES | 0.00 | 0.00 | 39,238.35 | 33.53 |
| PAYROLL TAXES | 0.00 | 0.00 | 3,001.61 | 2.56 |
| UNEMPL REIMB. EXPENSE | 0.00 | 0.00 | 0.00 | 0.00 |
| WORKERS COMP | 0.00 | 0.00 | 8,749.00 | 7.48 |
| TRAVEL & ENTERTAINMENT | 0.00 | 0.00 | (681.50) | (0.58) |
| CREDIT CARD CHARGES | 0.00 | 0.00 | 461.98 | 0.39 |
| SOFTWARE & LICENSING | 0.00 | 0.00 | 225.00 | 0.19 |
| POSTAGE | 0.00 | 0.00 | 4.20 | 0.00 |
| Total Expenses: | 0.00 | 0.00 | 50,998.64 | 43.58 |
| Net Income From Operations: | 0.00 | 0.00 | 40,332.36 | 34.47 |
| Other Income and Expense | | | | |
| INTEREST INCOME | 0.00 | 0.00 | 15.09 | 0.01 |
| Total Other Income and | 0.00 | 0.00 | 15.09 | 0.01 |
| Earnings Before Income Tax: | 0.00 | 0.00 | 40,347.45 | 34.48 |
| Net Income (Loss): | | 0.00 | | |

**BY-LAWS-
INDEPENDENT LIVING ADVISORY COMMITTEE (ILAC)
OF THE
DIVISION FOR THE VISUALLY IMPAIRED (DVI)**

PURPOSE:

To provide guidance in the development and expansion of the Independent Living Services program on a statewide basis to DVI, as well as to the State Independent Living Council (SILC), through DVI.

MEMBERSHIP:

1. The Independent Living Advisory Committee, hereby known as the “Committee” shall be comprised of a minimum of a minimum of seven and the maximum of eleven members “Committee” representation shall include blind and visually impaired individuals and representatives of the Division for the Visually Impaired. Committee members may also represent parents and guardians of blind and visually impaired individuals, non-governmental agencies and/or other groups of individuals who are concerned with services to the blind and visually impaired community.

2. The majority of the “Committee” membership shall be blind and visually impaired individuals and parents or guardians of blind and visually impaired individuals.

3. All members of the “Committee” will be appointed by the Director of the Division for the Visually Impaired from recommendations provided by the “Committee” and may include reappointment(s)

4. The Chairperson, elected by the “Committee”, will serve a three (3) year term with a Vice-Chairperson who is also elected by the “Committee”. Every three (3) years the “Committee” will elect a new Chairperson and Vice-Chairperson at the December meeting of the third (3rd) calendar year.

6. The Social Services Administrator will be an ex-officio member of the Committee.

MEETINGS:

1. The “Committee” will hold regularly scheduled meetings once per quarter or more frequently by request of the Chairperson or the Director of the Division for the Visually Impaired. Attendance by five (5) of the “Committee” members will be considered a quorum and will be necessary to hold an official meeting. Participation by telephone will be acceptable to meet the need of a quorum.

2. Meeting agenda items will be coordinated through the Chairperson.

3. Meetings will be conducted according to Robert’s Rules of Order.

4. The appointed Secretary of the “Committee” will be responsible for recording and transcribing minutes of business transacted at the meeting. Minutes will note the members in attendance, as well as those appointed members who are absent. The Minutes will reflect the date and location of the meeting, as well as include the date and location of the next scheduled meeting. Copies will be distributed in the preferred media format to each member, as well as the Director and Deputy Director of the Division for the Visually Impaired. Minutes will be distribute prior to the next scheduled meeting.

ATTENDANCE:

1. Members are expected to attend all meetings. If a member misses more than two (2) unexcused absences the Social Services Administrator will discuss their desire to continue on the committee. A leave of absence will be granted on a case by case basis.

SUB COMMITTEES:

1. Sub committees may be established by the chairperson and will report their updates and findings to the "Committee". Non committee members may be appointed to serve on sub committees.

REVISIONS:

The "Committee", as needed, may review and make recommendations for changes of the By-Laws to the Director of the Division for the Visually Impaired. Any revisions of the bylaws will be voted and approved by the committee. The approved changes will be provided to the Director and Deputy Director.

BY-LAWS FOR DELAWARE

COMMITTEE OF BLIND VENDORS

Article I, Name.

The name of this committee shall be the Delaware Committee of Blind Vendors.

Article II, Purpose.

This committee shall represent all of the blind vendors within the state. Its functions and responsibilities shall include but not be limited to:

- A. Receiving grievances of blind vendors and acting as advocates for such vendors;
- B. Participation with the Delaware Division for the Visually Impaired in the development and administration of policies and procedures for a transfer and promotion system for blind vendors;
- C. Participation with the Delaware Division for the Visually Impaired in the development of training and retraining and upward mobility programs;
- D. Sponsoring, with the assistance of the Delaware Division for the Visually Impaired, meetings and conferences for blind vendors;
- E. Joint participation with the Delaware Division for the Visually Impaired in all major administrative decisions and in all policy and program development affecting the operation or administration of the vending facility program, including any state rules and regulations which may be promulgated and any contracts or agreements, and do all other lawful and desirable things to promote the vending facility program in accordance with decisions of a majority of blind vendors or of the committee itself.
- F. It shall be provided, that the State licensing agency has the ultimate responsibility for the administration of the State vending facilities program and that if the agency does not adopt the views and positions of the State Committee of Blind Vendors it will notify the Committee in writing of the decision reached or the action taken and the reasons therefor.

Article III, Duties and Responsibilities.

Duties and authority of this committee shall include but not be limited to:

- A. Calling meetings and formulating agendas;
- B. Reviewing all material relevant to the vending facility program;
- C. Providing a secretary-treasurer of the committee and maintaining all records of the activities of the committee.
- D. Accepting grievances from blind vendors, acting as advocates for such vendors, and informing vendors of procedures for submitting and hearing grievances;

- E. Reviewing, preparing and acting upon specifications and procedures for supervision and promotional activities for the program;
- F. Receiving and voting upon major administrative proposals and proposals to establish or change policies or program development;
- G. Initiating and submitting to the state agency for concurrence or rejection major administrative proposals and proposals to establish or change policies or program development; and,
- H. Communicating regularly with all blind vendors.

Article IV, Elections.

Section A.

- 1. Elections shall be conducted by the Delaware Division for the Visually Impaired biennially, at a time, which will enable each newly elected committee member to take office on the first day of the state's new fiscal year.
- 2. The committee shall, with the Delaware Division for the Visually Impaired, develop a procedural plan for the holding of such election which shall include: eligibility to vote, eligibility for candidacy, time limitation, time and place of vote counting and method voting.

Section B.

- 1. The number comprising the committee of blind vendors shall be three.
- 2. The chairperson of the committee shall be appointed by the blind committee members.
- 3. The term of office for a member of the committee shall be for two years or until their successors are elected. Chairman will service for 2 years, Co-Chairman will serve for 2 years, and other committee members for two years.

Section C.

- 1. Any blind vendor that is operating a location on the date of the election shall be eligible to vote for three candidates for the committee.
- 2. Each eligible voter may be a candidate for the committee.

Article V, Standing Committees.

A. Standing committees (if needed) shall include but not be limited to:

- 1. Grievance;
- 2. Promotion and transfer;
- 3. Training and retraining;
- 4. Retirement and fringe benefits; and
- 5. Public relations.

- B. The chairperson may appoint chairpersons of standing committees with the concurrence of a majority of the elected committee.
- C. The chairpersons of a standing or other committee must be a committee member or a blind licensee within the state program.
- D. Standing and other committees may utilize consultants upon prior approval of the elected committee.

Article VI, Expenses.

- A. Expenses incurred or authorized by the committee in the carrying out of its purposes and its statutory duties and responsibilities shall be paid for as management services from set-a-side and matching federal funds, or from general revenue, or grants and donations in part or in whole.
- B. Committee members and members of standing and other committees shall be entitled to per diem and travel expenses (as state law provides for state employees) while engaged in official activities of the committee unless otherwise agreed to by the committee and the Delaware Division for the Visually Impaired.

Article VII, Meetings.

- A. Statewide meetings shall be called not less than once every two years.
- B. Committee meetings shall be held once every quarter during the months of: March, June, September, and December.
 - 1. Special meetings may be called by:
 - a. The Delaware Division for the Visually Impaired, or
 - b. The majority of the committee
 - 2. Standing committee meetings may be called as required.

Article VIII, By-Laws Adoption.

- A. Initial adoption of by-laws shall be by majority vote of the committee. The committee shall (when necessary) mail a written notice to each blind vendor announcing the time and place of the statewide meeting and stating that by-laws may be amended at statewide meetings by two-thirds of the blind vendors present and voting at any such meeting provided that the committee shall mail written notice to each blind vendor more than thirty days prior to the meeting announcing its time and place and state the proposed change or changes to the by-laws.

Article IX, Election Procedures.

A. Duties and obligations of Delaware Division for the Visually Impaired.

1. The Delaware Division for the Visually Impaired shall call a biennial meeting for all blind vendors to elect their blind committee for the ensuing two years.
2. The biennial meeting shall be called in March or April.
3. The Delaware Division for the Visually Impaired shall notify all blind vendors thirty days prior to the meeting date.
4. The Recorder of the committee shall be responsible for conducting the business of the meeting.
5. The Recorder of the committee shall allow every blind vendor who is interested in serving on the committee to state his/her reasons for wanting to serve on the committee.
6. The Recorder of the committee shall call each blind vendor present by name to give a voice vote for three candidates and two alternates for the committee.

B. Duties of the Blind vendor.

1. Every blind vendor in Delaware has the obligation and duty to attend the biennial meeting and to aid in the election of committee members.
2. All blind vendors present shall by voice vote for their candidate as their names are called. They will also vote for two alternates.
3. Each committee member shall be responsible for hearing grievances from blind vendors, for settling policy, and performing other duties necessary to upgrade and improve benefits for the blind.
4. Every blind vendor who is elected to the committee shall take office on the first day of July following the meeting.

AMENDMENT #1

Date: 11/12/03

Signature: _____

Michael P. Williams, Sr.