

OVERVIEW

SEPARATE

AGENCY

FOR

BLIND

2/21/02



# AMERICAN COUNCIL OF THE BLIND

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Charles Crawford  
Executive Director

Text of ACB draft Commission for the Blind model legislation.

An Act creating a State Commission for the Blind, specifying the powers and duties of the Commission, transferring functions otherwise assigned; and for other purposes

## SHORT TITLE

SECTION 1. This Act may be cited as the Commission for the Blind Act"

## PURPOSE AND POLICY

### SECTION 2.

(a) **PURPOSE:** The purpose of this Act is to establish and authorize a coordinated program of services, which will be available to individuals who are blind throughout the state. The program shall be designed to maximize employment opportunities for such individuals and to increase their independence and self-sufficiency.

(b) **POLICY:** It is the policy of the State that all programs, projects, and activities of the Commission shall be carried out in a manner consistent with the following principles

(1) Respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers based on informed choice;

(2) Support for the involvement of an individual's representative if an individual requests, desires, or needs such support;

(3) Respect for the individual's privacy and equal access to programs and information, including the use of accessible formats;

(4) Integration and full participation of individuals who are blind in society on equal terms with others; and

(5) a balanced approach to consumers and consumer organizations to guarantee the available and free exchange of ideas from which informed choices can be made.

## ESTABLISHMENT AND COMPOSITION SECTION 3.

(a) The Commission for the Blind is hereby created. The Commission shall consist of five members appointed by the governor and qualified to serve based on knowledge and experience in rehabilitation and related services for the blind. A majority of the members shall be blind and represent a balanced cross section of the blindness organizations and community. No member of the Commission shall be employed by the Commission during the term of such membership.

(b) The Governor shall consult with recognized consumer groups of blind people in the state to obtain recommendations of individuals to be appointed.

(c) The appointment of each Commissioner shall be for a three-year term, except that the Governor shall specify shorter

terms in the initial appointment in order to establish a rotation. Two of the initial appointments shall be for two-year terms and two of the initial appointments shall be for one-year terms as specified by the Governor. Thereafter, all Commissioners shall be appointed for three-year terms.

(d) The Commission shall meet quarterly and at such other times, as the Commissioners shall determine. The chairman of the Commission shall be elected by the members present and voting at the first meeting of the Commission and annually thereafter. Commissioners shall receive no salary, but shall be allowed the usual mileage, subsistence and per diem as authorized by law. A majority of the members of the Commission shall constitute a quorum to transact business.

## PERSONNEL

### SECTION 4.

(a) The Commission shall appoint an Executive Director with knowledge and experience in rehabilitation and related services for the blind. The Executive Director shall serve as secretary to the Commission and shall be the chief administrative officer of the agency. The Executive Director's appointment shall be for an indefinite period but may be terminated for cause as determined by a majority of the Commission. Preference shall be given to employing an individual who is blind and meets the qualifications specified by the Commission for the position of Executive Director.

(b) The Executive Director shall employ such personnel as are needed and shall fix their compensation in a manner consistent with state law.

## POWERS AND DUTIES

## SECTION 5.

(a) The Commission shall--

(1) Develop and carry out a state plan for vocational rehabilitation services for individuals who are blind pursuant to section 101 of the Rehabilitation Act of 1973, as amended.

(2) Provide independent living and social services for blind and visually impaired individuals, including but not limited to, services for older blind individuals pursuant to Title VII of the Rehabilitation Act of 1973, as amended.

(3) Establish, equip and maintain an orientation and adjustment center or centers to provide prevocational and other training (such as, but not limited to, Braille, use of the long white cane for independent travel, and computer and adaptive technology training) to prepare blind and visually impaired persons for eventual vocational training, job placement, and maximum independence in the larger community.

(4) Establish and carry out a small business enterprises program for individuals who are blind, and serve as the state licensing agency for blind individuals pursuant to the Randolph-Sheppard Act.

(5) Establish and administer a statewide program for the certification of individuals who are qualified to teach Braille to blind individuals (including individuals attending elementary and secondary schools), using performance criteria based on the National Literary Braille competency examination administered by the Library of Congress.

(6) Purchase specialized equipment and technology for the blind and visually impaired directly from specialty vendors without state

centralized purchasing procedures.

(7) Provide library services to persons who are blind and persons with physical disabilities in cooperation with the Library of Congress.

(8) Create and maintain an instructional media center for the production, purchase, distribution, reallocation, and warehousing of accessible materials for blind children and adults.

(9) Provide technical assistance in cooperation with other appropriate agencies to assist the state education agency and local education agencies in the provision of auxiliary aids and services to blind students and their parents in complying with the Americans with Disabilities Act and the Individuals with Disabilities Education Act, as amended;

(10) Provide technical assistance to agencies within the state in order to assure that information technology purchased or used by such agencies is accessible to and useable by individuals who are blind at the time the technology is purchased or used.

(11) Participate, through the designation of the Executive Director or an appropriate staff member of the Commission, on boards, commissions, or bodies which may exist or be established within the state for the purpose of coordination and planning of services.

(12) Conduct a review of consumer satisfaction with programs of the Commission and perform other functions of the statewide rehabilitation council specified in section 105 (c) of the Rehabilitation Act of 1973, as amended.

(13) Promulgate rules to carry out programs of the Commission;

(14) Apply for and receive money from any state or federal agency to support the programs of the Commission and receive on behalf of the state any gifts, donations or bequests from any source, to be used in carrying out the Commission's duties as described herein;

(15) Develop and administer any other program which will further the provision of services to the blind and is determined by the commission to fall within its scope of responsibility.

(16) Assist individuals who are blind in obtaining aids and appliances (including low vision aids) which are used to improve the individual's ability to function without normal sight.

(b) The Commission may carry out any of the powers and duties enumerated in this section by contract or cooperative agreement or by the direct administration of any program.

## REPORTS

### SECTION 6.

The Commission shall publish an annual report including a list of accomplishments, findings, and recommendations for improvement based on the agency's performance during the year. The report shall contain information needed to evaluate the progress of the Commission in meeting the needs of blind individuals in the state.

## RESOLUTION OF DISPUTES

### SECTION 7

(a) Any applicant for or recipient of services from the Commission who is dissatisfied with any action taken or decision made regarding such services may file a complaint setting forth the basis for the dissatisfaction and the remedy sought. Upon receipt

of the complaint the Executive Director shall inform the individual of the voluntary process available for mediation of the dispute. The mediation, if chosen by the individual, shall be conducted by a qualified and impartial mediator, and the cost shall be paid by the Commission.

(b) If the dispute cannot be resolved by mediation or other informal means, the Executive Director shall, upon request of the individual, convene an arbitration panel, which shall give notice, conduct a hearing and render a decision. The arbitration panel shall be composed of three members appointed as follows:

- (1) One individual designated by the Executive Director;
- (2) One individual designated by the individual filing the complaint;
- (3) One individual chosen by the other designees who is an impartial hearing officer as defined in section 102 of the Rehabilitation Act of 1973, as amended, who shall serve as chair of the arbitration panel and issue the decision.

The commission shall promulgate rules sufficient to regulate the conduct of all proceedings required in this section and to assure the rights of all parties participating therein.

## TRANSFER PROVISIONS

### SECTION 8.

(a) All appropriations, real and personal property, equipment, supplies, personnel, positions, and money which, prior to the effective date of the Commission for the Blind Act, were owned or controlled by any other agency providing services to the blind are hereby transferred to the Commission for the Blind.

(b) All existing contracts and agreements in effect concerning the Services for the Blind shall be binding upon the Commission for the Blind to the same extent that such contracts or agreements were binding upon the agency from which they were transferred to the Commission for the Blind.

(c) All reimbursements from the Social Security Administration for the successful rehabilitation of blind Supplemental Security Income or Disability Insurance recipients which are either received or claimed after the date of enactment of this legislation shall be assigned to the Commission for the Blind.

EFFECTIVE DATE

SECTION 9.

This act shall take effect on the first day of the fiscal year following the enactment of this Act.

End of text.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
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State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 6, 2002

**SUBJECT:** Commission for the Blind (Work Order No. 22-LS1421)

**TO:** Senator Ben Stevens  
Attn: Kristy Tibbles

**FROM:** Terri Lauterbach  
Legislative Counsel

*T. Lauterbach*

You have submitted material to this office that would establish a Commission for the Blind. The commission contemplated in the material would not be merely an advisory group, but would have a very wide range of operational responsibilities, among them the following:

- (1) providing vocational rehabilitation services;
- (2) providing independent living services;
- (3) providing social services;
- (4) establishing orientation and adjustment centers to provide prevocational and other training;
- (5) carrying out a small business enterprise program;
- (6) licensing individuals "pursuant to the Randolph-Sheppard Act";
- (7) establishing a statewide program to certify Braille teachers;
- (8) providing library services;
- (9) establishing and operating an instructional media center of accessible materials for blind children and adults;
- (10) assisting blind people in obtaining aids and appliances to improve their ability to function without normal sight;
- (11) administering "any other program that will further the provision of services to the blind."

This would be a very complex bill to draft. Not only are many programs involved, some of which need clarification as to their intended scope, but many of the programs are already operated by existing state agencies. That is, there are numerous statutes that already tell other state agencies to perform many of the functions that, under the material submitted, would become the responsibility of the new Commission for the Blind. Each statute that currently tells an existing state agency to perform any function in the list above, and all statutes related to that function, would need to be amended or repealed in order to move that function to the new commission. Section 8 of the material you submitted says all related money, property, and positions are transferred to the new

Senator Ben Stevens

February 6, 2002

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commission. However, that provision does not in any way take care of the many statutes that would have to be found and carefully amended in order to accomplish the transfer of legal responsibility involved in establishing the new commission.

It is highly unlikely that I could properly draft a bill of this magnitude before the personal bill deadline in the middle of this month. If you would like to simply put in a personal bill that is very incomplete and unenforceable, I can draft such a bill. Alternatively, I could draft a bill that establishes the commission as an advisory body to agencies of state government that already have the duties listed above. A third alternative would be that this bill request could become an interim project, prepared for introduction in the next regular session.

If I may be of further assistance, please advise.

TML:med

02-111.med



# ALASKA INDEPENDENT BLIND

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The citation regarding a separate state VR agency for the blind appears in U.S. Code Title 29, Chapter 16, Sec. 721 - State plans, (a)(2) and reads:

"(2) Designated State agency; designated State unit

(A) Designated State agency. The State plan shall designate a State agency as the sole State agency to administer the plan, or to supervise the administration of the plan by a local agency, except that -

(i) where, under State law, the State agency for individuals who are blind or another agency that provides assistance or services to adults who are blind is authorized to provide vocational rehabilitation services to individuals who are blind, that agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency to administer or supervise the administration of the rest of the State plan;

(ii) the Commissioner, on the request of a State, may authorize the designated State agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit the agencies to carry out a joint program to provide services to individuals with disabilities, and may waive compliance, with respect to vocational rehabilitation services furnished under the joint program, with the requirement of paragraph (4) that the plan be in effect in all political subdivisions of the State; and

(iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa."

And here's information from the NARIC (National Rehabilitation Information Center) website (<http://www.naric.com/>) about the Mississippi State University study on the efficacy of separate blind VR agencies.

As indicated, the study was published in the Journal of Visual Impairment and Blindness, V94. Though the study itself is not available on the NARIC website, the California Council of the Blind had a version of the report on its website at this page: <http://www.ccbnet.org/study.htm>. The formatting on the web page not very good especially the tabular data, so I cleaned it up a bit and its attached as a text file (Blind\_vs\_Combined\_study.txt).

NARIC Accession Number: J38945.

Rehabilitation of visually impaired persons in separate and general agencies.

Journal of Visual Impairment and Blindness, V94, N3, p133-145. (ISSN: 0145-482X.)

Author(s): Cavanaugh, B S; Giesen, J M; Pierce, S J.

Institution: Rehabilitation Research and Training Center on Blindness and Low Vision, Mississippi State University.

Report Number: H133B10003.

Publication Year: 2000.

Number of Pages: 13p.

Abstract: Study comparing outcomes for blind and visually impaired consumers served by general vocational rehabilitation (VR) agencies versus separate, specialized agencies serving the blind and visually impaired. Data are from the 1989 RSA-911 database containing 36,497 cases of individuals with visual impairments. Data analysis indicates that separate agencies serve consumers who are more socially and economically disadvantaged, have more severe visual impairments and more secondary disabilities, and incur greater service costs. Nonetheless, separate agencies have better outcomes by various measures.

Descriptor Terms: VISUAL IMPAIRMENTS; BLIND; VOCATIONAL REHABILITATION; SERVICE DELIVERY; OUTCOME.

Can this document be copied? Y

Learn more about the project(s) that created this document: Project number H133B10003 in NIDRR Program Directory.

Learn more about this magazine/journal: ISSN 0145-482X in NARIC Knowledgebase.

Full text is not available online. For information on how to obtain documents, see our information on REHABDATA document delivery.

Alaska Independent Blind E-mail address [aiblink@ak.net](mailto:aiblink@ak.net)



# ALASKA INDEPENDENT BLIND

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TITLE I-VOCATIONAL REHABILITATION SERVICES of the Rehabilitation Act Sec. 105. State Rehabilitation Council (a) Establishment (1) In general Except as provided in section 101(a) (2) (A) (i), to be eligible to receive financial assistance under this title a State shall establish a State Rehabilitation Council (referred to in this section as the 'Council') in accordance with this section.

(2) Separate agency for individuals who are blind A State that designates a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a) (2) (A) (i) may establish a separate Council in accordance with this section to perform the duties of such a Council with respect to such State agency.

B T W, there's a pretty accesible and web version of the Act available at <http://www.coe.missouri.edu/~rcep7/rehabact/>. - Jon -----Original Message----- From: Lynne Koral [<mailto:aiblink@ak.net>] Sent: Wednesday, Fcbruary 13, 2002 8:56 PM To: Steuerwalt, Jon C. Subject: Re: Howyadoin? Great!! Especially after this. I will not get to it until Tuesday returned home. Lynne Koral Profuse thanks, thank you so much! I cannot tell you how much thanks. Where, federally, is there a statement about how two rehabilitation councils are committees of the state can be formed one blindness and one general? Help, I was told that this morning. Tally ho. Toodaloo. Lynne Koral in thanks and gratitude

Alaska Independent Blind E-mail address [aiblink@ak.net](mailto:aiblink@ak.net)



# ALASKA INDEPENDENT BLIND

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Chapter II money for older blind Americans \$225,000 federal \$25,000 state match; \$250,000.00 is total allotment

Alaska gets minimal allotment but equal to other small states in population. Part B monies grants for blind programs; not known; 2001 yearly allotment for case services for 110 monies, for 2000 \$805,110.00 federal; \$328,400 state \$1,113,500 total case services. Money is not allocated year to year but put in to general services, we think, and only known after the year is up.

Randolph-Sheppard: \$37,568.00 direct services Chance Act: OO(which is state money) \$142,271.00 \$12,000,000 is overall money for rehabilitation. In 2000 but does not include Part B money Title VII Rehabilitation Act money which is the Independent Living allotment granted Independent Living centers.

2002 12,800,000.000 money carried over. Client Assistance Program not included. Does the Alaska Center for the Blind get case services money, Part B money, or separate VR money allotment? What happens to the "set aside" vending machines money, and what section is that put into? Case services overall disabilities money. From year to year, general fund, but no specific allocation for blind services except what has been spent in the previous year. Case services money: over 18 or over 16 or all ages including school-age?

A site spelling out the certification standards we need to put into what was HB451 Article 5A is available for review at [www.acvrep.org](http://www.acvrep.org) which is now the certifying organization for Orientation and Mobility specialists, (OandM), Rehabilitation Teachers (RT) AND Low Vision (LV) and certification every 5 years through this Association for Certification of Vision Rehabilitation Education Professionals. The professional organization for these folks is Association for Education and Rehabilitation of the Blind and Visually Impaired. On the [www.acvrep.org](http://www.acvrep.org) site, you will found standards of practice, knowledge areas, and other information about orientation and mobility, for which no standards are now set. We know people in rural alaska who are blind children who get seen maybe two to four times a year, and paraprofessionals train them. When beauticians, manicurists, and cosmetologists are licensed, not people who teach the life and death outdoor mobility training with a long cane? Blind persons are the only group of disabled persons allowed to have a separate state plan and separate services. Money can be reallocated from Division of Vocational Rehabilitation to meet our needs.

Thank you for your interest.

Alaska Independent Blind E-mail address [aiblink@ak.net](mailto:aiblink@ak.net)

# Legislative Research Services

Alaska State Legislature  
Legislative Affairs Agency  
Division of Legal and Research Services

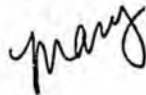
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February 14, 2002

## Memorandum

TO: Representative Beth Kerttula

FROM: Mary Larsen  
Legislative Analyst



RE: Separate Agencies for the Blind

You asked for information about states with separate agencies for the blind. Specifically, you asked for a copy of federal legislation enabling states to have separate agencies and copies of individual state's legislation regarding agencies for the blind. You also asked for a discussion of the pros and cons of having separate agencies.

Whether states should have separate agencies for the blind is a widely-debated issue. Those who favor separate agencies argue that blindness is a unique disability, and the blind ought to receive specialized services. They also believe that when services for the blind are combined with services for all disabled persons the blind tend to receive less effective treatment due to their small numbers and expensive requirements. The argument for combined services focuses on saving money through the consolidation of administrative services.<sup>1</sup>

We include the following as attachments:

Attachment A - 34 CFR 361.13, the section of the federal code that allows states to have separate vocational rehabilitation agencies for the blind

Attachment B - Sample legislation from three states with separate agencies for the blind: Idaho, Virginia, and Washington

Attachment C - Rehabilitation Recruitment Center's list of states with separate agencies

Attachment D - "Why Separate Agencies for the Blind?" National Council of State Agencies Serving the Blind

Attachment E - "Why ICBVI?" Idaho Commission on the Blind and Visually Impaired

If you have further questions, or need more information, please do not hesitate to contact us.

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<sup>1</sup> Jim Hudson, Director of Arkansas Division of Services for the Blind, 501-682-0360 and Mike Blackaller, Rehabilitation Services Chief, Idaho Commission for the Blind, 208-334-3220.

## Attachment A

34 CFR 361.13 (the section of the federal code that allows states to have separate vocational rehabilitation agencies for the blind)

[Code of Federal Regulations] *Federal*  
[Title 34, Volume 2]  
[Revised as of July 1, 2001]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 34CFR361.13]

[Page 277-278]

TITLE 34--EDUCATION

CHAPTER III--OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION

PART 361--STATE VOCATIONAL REHABILITATION SERVICES PROGRAM--Table of Contents

Subpart B--State Plan and Other Requirements for Vocational  
Rehabilitation Services

Sec. 361.13 State agency for administration.

(a) Designation of State agency. The State plan must designate a State agency as the sole State agency to administer the State plan, or to supervise its administration in a political subdivision of the State by a sole local agency, in accordance with the following requirements:

(1) General. Except as provided in paragraphs (a)(2) and (3) of this section, the State plan must provide that the designated State agency is one of the following types of agencies:

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(i) A State agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities; or

(ii) A State agency that includes a vocational rehabilitation unit as provided in paragraph (b) of this section.

(2) American Samoa. In the case of American Samoa, the State plan must designate the Governor.

(3) Designated State agency for individuals who are blind. If a State commission or other agency that provides assistance or services to individuals who are blind is authorized under State law to provide vocational rehabilitation services to individuals who are blind, and this commission or agency is primarily concerned with vocational rehabilitation or includes a vocational rehabilitation unit as provided in paragraph (b) of this section, the State plan may designate that agency as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for individuals who are blind or to supervise its administration in a political subdivision of the State by a sole local agency.

(b) Designation of State unit.

(1) If the designated State agency is not of the type specified in paragraph (a)(1)(i) of this section or if the designated State agency specified in paragraph (a)(3) of this section is not primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, the State plan must assure that the agency (or each agency if two agencies are designated) includes a vocational rehabilitation bureau, division, or unit that--

(i) Is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and is responsible for the administration of the State agency's vocational rehabilitation program under the State plan;

(ii) Has a full-time director;

(iii) Has a staff, at least 90 percent of whom are employed full time on the rehabilitation work of the organizational unit; and

(iv) Is located at an organizational level and has an organizational status within the State agency comparable to that of other major

organizational units of the agency.

(2) In the case of a State that has not designated a separate State agency for individuals who are blind, as provided for in paragraph (a)(3) of this section, the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided to individuals who are blind to one organizational unit of the designated State agency and may assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of paragraph (b)(1) of this section applying separately to each of these units.

(c) Responsibility for administration.

(1) At a minimum, the following activities are the responsibility of the designated State unit or the sole local agency under the supervision of the State unit:

(i) All decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of these services.

(ii) The determination to close the record of services of an individual who has achieved an employment outcome in accordance with Sec. 361.56.

(iii) Policy formulation and implementation.

(iv) The allocation and expenditure of vocational rehabilitation funds.

(v) Participation as a partner in the One-Stop service delivery system under Title I of the Workforce Investment Act of 1998, in accordance with 20 CFR part 662.

(2) The responsibility for the functions described in paragraph (c)(1) of this section may not be delegated to any other agency or individual.

(Approved by the Office of Management and Budget under control number 1820-0500.)

(Authority: Section 101(a)(2) of the Act; 29 U.S.C. 721(a)(2))

Effective Date Notes: 1. At 66 FR 7253, Jan. 22, 2001, Sec. 361.13 was amended by adding `` (Approved by the Office of Management and Budget under control number 1820-0500) '', effective Oct. 1, 2001.

[Code of Federal Regulations]  
[Title 34, Volume 2]  
[Revised as of July 1, 2001]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 34CFR361.1]

[Page 263]

TITLE 34--EDUCATION

CHAPTER III--OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION

PART 361--STATE VOCATIONAL REHABILITATION SERVICES PROGRAM--Table of Contents

Subpart A--General

Sec. 361.1 Purpose.

Under the State Vocational Rehabilitation Services Program (Program), the Secretary provides grants to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs, each of which is--

- (a) An integral part of a statewide workforce investment system; and
- (b) Designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may prepare for and engage in gainful employment.

(Authority: Section 100(a)(2) of the Act; 29 U.S.C. 720(a)(2))

## Attachment B

Sample legislation from three states with separate agencies for the blind: Idaho, Virginia,  
and Washington

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## IDAHO COMMISSION FOR THE BLIND

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IDAPA 15  
TITLE 02  
Chapter 01

IDAHO COMMISSION FOR THE BLIND

15.02.01 - FEDERAL LAWS AND REGULATIONS

**000. LEGAL AUTHORITY.**

The Idaho Legislature has given to the Board of the Idaho Commission for the Blind the legislative power to promulgate rules and regulations in accordance with Section 67, Chapter 54, Idaho Code. (3-25-85)

**001. TITLE AND SCOPE.**

These rules shall be known as Idaho Commission for the Blind Rules, IDAPA 15.02.01, "Federal Laws and Regulations," and specify the conditions under which eligibility is determined and rehabilitation services are provided to the legally blind. (3-25-85)

**002. REFERENCE DOCUMENTS.**

The Board adopts by reference the following federal laws and regulations as a part of these rules. A copy of these documents may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. A copy is also on file at the Idaho Commission for the Blind, 341 West Washington Street, Boise, Idaho 83702, and at the Idaho State Law Library and with the Director of the Legislative Council as required by Section 67-5203A, Idaho Code. (3-25-85)

01. **Rehabilitation, Comprehensive Services And Developmental Disabilities Legislation.** (Public Law 88-164, Public Law 93-112, Public Law 93-516, Public Law 94-103, Public Law 94-230, and Public Law 95-602), U.S. Government, August 1979. (3-25-85)

02. **CFR. Code of Federal Regulations (Education), Title 34, Part 361, January 19, 1981.** (3-25-85)

03. **CFR. Code of Federal Regulations (Education), Title 34, Part 395, July 1, 1981.** (3-25-85)

003. -- 999. **(RESERVED).**

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# Idaho Statutes

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 54

#### COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

67-5403. COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED -- CREATION -- COMPOSITION -- APPOINTMENT -- TRANSFER OF POWERS FROM DEPARTMENT OF PUBLIC ASSISTANCE. (1) There is hereby created in the office of the governor the Idaho commission for the blind and visually impaired. The commission shall consist of five (5) members, at least three (3) of whom shall be blind or visually impaired, and not more than three (3) of whom shall belong to the same political party.

The governor shall appoint members of the commission subject to ratification by the senate at the next regular or special session of the legislature.

All appointments shall be made for terms of three (3) years, beginning on July 1st. If for any reason a member should leave the commission before his term expires, the governor shall appoint another member to fill out the unexpired term.

(2) All powers and duties of the department of public assistance relating to services to the blind and sight conservation as herein defined, are transferred to and shall be assumed by the commission on October 1, 1967.

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# Idaho Statutes

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 54

##### COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

67-5413. ACCEPTANCE OF FEDERAL ACTS. The state of Idaho and the commission for the blind and visually impaired hereby affirm their acceptance of the provisions and benefits of the act of Congress entitled, "The Randolph-Sheppard Act," P.L. 93-516, 93rd Congress, and "The Rehabilitation Act of 1973," as amended, P.L. 98-221, 98th Congress, and will observe and comply with all requirements of such acts, limited only by approved state plan and funding restrictions.

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IDAPA 15  
TITLE 02  
Chapter 02

IDAHO COMMISSION FOR THE BLIND

15.02.02 - VOCATIONAL REHABILITATION SERVICES

**000. LEGAL AUTHORITY.**

The Board of the Commission for the Blind, pursuant to authority granted in Title 67, Chapter 54, Idaho Code, did adopt the following as policy for the administration of vocational rehabilitation services to the blind of Idaho.

(1-5-87)

**001. TITLE AND SCOPE.**

These rules will be known as Idaho Commission for the Blind Rules, IDAPA 15.02.02, "Vocational Rehabilitation Services". The provisions of these rules establish procedures and requirements which address the provisions of vocational rehabilitation services to the blind population of Idaho.

(1-5-87)

**002. -- 099. (RESERVED).**

**100. POPULATION TO BE SERVED.**

The following defined individuals will be served by the Idaho Commission for the Blind.

(1-5-87)

01. **Legally Blind.** Individuals who have been determined legally blind as defined in Section 67-5402 of the Idaho Code.

(1-5-87)

02. **Handicap To Employment.** As a result of the disability, a substantial handicap to employment is imposed.

(1-5-87)

03. **Return To Or Obtaining Employment.** Following the services of the Idaho Commission for the Blind, that person will be able to obtain or return to gainful employment.

(1-5-87)

04. **Financial Needs Determination.** The counselor and eligible individuals will complete an individualized written rehabilitation plan. A financial needs determination will be made in each case before the services can be provided, and all available similar benefits shall be explored and utilized.

(1-5-87)

**101. PROVISION OF SERVICES ON A STATEWIDE BASIS.**

All services of the Commission for the Blind are offered on a statewide basis subject to eligibility.

(1-5-87)

**102. -- 109. (RESERVED).**

**110. ELIGIBILITY.**

Eligibility shall be based upon the determination of a disability as defined in Section 100, "Population To Be Served," and such disability for the individual constitutes or results in a substantial handicap to employment; and a reasonable expectation exists that vocational rehabilitation services may benefit the individual in terms of employability.

(1-5-87)

01. **Eligibility Requirements.** Eligibility requirements will be applied by the Commission for the Blind without regard to sex, race, age, creed, color, physical or mental handicap, sexual orientation, or national origin of the individual applying for services.

(1-5-87)

02. **Residency Requirements.** A residence requirement, duration or other, will not be applied by the Commission for the Blind as a condition of eligibility.

(1-5-87)

03. **Preliminary Diagnostic Study.** A financial needs determination will be made in each case, and all similar benefits will be explored and utilized prior to the expenditure of funds.

(1-5-87)

04. **Financial Needs Determination.** A financial needs determination will be made in each case, and all similar benefits will be explored and utilized prior to the expenditure of funds. (1-5-87)

05. **Certificate Of Ineligibility.** If an individual is determined ineligible for services, a certificate of ineligibility will be prepared and a copy provided the individual. (1-5-87)

06. **Annual Review.** An annual review will be done of those cases meeting the annual review requirements. (1-5-87)

**111. RESERVING ALL ELIGIBILITY DECISIONS AND NATURE AND SCOPE OF SERVICES.**  
The Commission for the Blind has the sole responsibility for determining eligibility that will provide services to all eligible individuals who are legally blind. (1-5-87)

112. -- 149. (RESERVED).

**150. ECONOMIC NEEDS TEST.**  
Blind persons receiving services from the Commission for the Blind and who possess the financial resources to do so will be required to participate in the payment for assistance provided. An economic needs test shall be explored by the blind client and his/her counselor. (1-5-87)

01. **Diagnostic Services.** An economic needs test will not be applied as a condition for furnishing the following vocational rehabilitation services: Diagnostic services for the evaluation for rehabilitation potential, counseling, guidance, referral, and no cost placement. (1-5-87)

02. **Supplemental Security Income (SSI) Or Public Assistance.** An economic needs test shall not be required for those individuals who are recipients of Supplemental Security Income (SSI) or public assistance. (1-5-87)

03. **Nonresident.** Any nonresident attending the Orientation and Adjustment Center will be charged tuition. This cost will be determined upon the average cost of providing services to those in the Orientation and Adjustment Center. (1-5-87)

151. -- 199. (RESERVED).

**200. EVALUATION OF VOCATIONAL REHABILITATION POTENTIAL.**  
For every applicant for vocational rehabilitation services, the Commission for the Blind will provide the following services in the order given. If at any point in the below order of services an applicant is found ineligible, no further services will be provided. (1-5-87)

01. **Visual Condition.** An evaluation of visual condition to determine if the applicant is legally blind; (1-5-87)

02. **Handicap To Employment.** An evaluation of the handicap to employment caused by the loss of vision; (1-5-87)

03. **Employment Ability.** An evaluation of the individual's ability to benefit from vocational rehabilitation services in terms of employment; (1-5-87)

04. **Rehabilitation Services Needed.** An assessment of the scope and nature of vocational rehabilitation services necessary for an individual to reach a suitable vocational objective. (1-5-87)

201. -- 209. (RESERVED).

**210. INDIVIDUALIZED WRITTEN REHABILITATION PLAN.**  
For those individuals found eligible or acceptable for rehabilitation services, an individualized written rehabilitation plan will be developed between the blind individual and their counselor. The individualized written rehabilitation plan will consist of: (1-5-87)

01. **Determination.** The basis on which the determination of eligibility has been made. In those cases where a person has been found acceptable, an extended evaluation of vocational rehabilitation potential is necessary to make a determination of eligibility. (1-5-87)
02. **Objectives.** The long range and intermediate rehabilitation objectives established for the individual. (1-5-87)
03. **Specific Vocational Rehabilitation Services.** The determination of the specific vocational rehabilitation services to be provided in order to achieve the established rehabilitation objectives. (1-5-87)
04. **Initiation And Duration Date.** The projected date for the initiation of each vocational rehabilitation service, and the anticipated duration of each service; (1-5-87)
05. **Review And Evaluation.** A procedure and schedule for periodic review and evaluation of progress toward achieving rehabilitation objectives based upon objective criteria and a record of these reviews and evaluations. (1-5-87)
06. **Client Opinion.** The views of the blind individual, or, as appropriate, his/her parent, guardian, or other representative, concerning his/her goals and objectives and the vocational rehabilitation services being provided. (1-5-87)
07. **Terms And Conditions.** The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the blind individual in implementing the individualized written rehabilitation plan, the extent of client participation in the cost of services if any, the extent to which the individual is eligible for similar benefits under any other programs and the extent to which these similar benefits have been used. (1-5-87)
08. **Client Rights.** An assurance that the blind individual has been informed of his/her rights and the means by which he/she may express and seek remedy for any dissatisfaction, including the opportunity for an administrative review of Commission for the Blind action, fair hearing, or review by the Secretary of the U.S. Department of Education. (1-5-87)
09. **Provision Of Explanation.** Where appropriate, assurance that the blind individual has been provided a detailed explanation of the availability of the resources within a client assistance project. (1-5-87)
10. **Basis For Determination.** The basis on which the individual has been determined to be rehabilitated. (1-5-87)
11. **Post Employment Services.** Any plans for the provision of post employment services after a suitable employment goal has been achieved and the basis on which such plans are developed. (1-5-87)

211. -- 249. (RESERVED).

250. **VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS.**

01. **Counseling And Guidance.** All clients and other interested parties will be provided information on blindness and vocational adjustment of blind individuals. (1-5-87)
  - a. For clients, the counselor of the Commission for the Blind will provide at the initial contact a full explanation of eligibility requirements and related procedures and services available through the Commission for the Blind for eligible clients. The counselor, at this time, will initiate a counseling relationship that will last throughout the course of the individual's contact with the Commission for the Blind, designated to accomplish the client's successful adjustment to his/her situation. (1-5-87)
  - b. At appropriate times during the vocational rehabilitation process, referral will be made to other agencies that might provide useful services. (1-5-87)

c. Counseling and guidance will be offered to family members and other individuals regarding blindness when it is determined that such assistance will be beneficial to the client. (1-5-87)

02. **Physical And Mental Restoration.** After making a determination that the condition is stable or slowly progressive, the Commission for the Blind will provide physical and/or mental restoration services that will enhance the client's rehabilitation potential. Of primary concern is the effect the service will have on the individual reaching a suitable vocational objective. (1-5-87)

a. Although determined medically advisable, the Commission for the Blind must view these services from a vocational point and it is, therefore, recognized that not all services stated to be medically desirable would be provided. Services provided include (but are not limited to) eye surgery, hearing aids, corrective surgery, prosthetic devices, and/or psychological or psychiatric services. (1-5-87)

b. In dealing with individuals who have multiple physical disabilities, the Commission for the Blind will carefully evaluate the vocational handicap caused by the physical disability other than blindness or mental disability and, if appropriate, make referral to other agencies. (1-5-87)

c. In cases where there exists a reasonable likelihood that the services of the Commission for the Blind will benefit the person in terms of employability, those recommendations will be reviewed by the agency medical consultant. (1-5-87)

03. **Vocational Training.** The Commission for the Blind will provide or facilitate the provision of such vocational training as is necessary for the client to reach the jointly agreed upon vocational goal stated in the client's individualized written rehabilitation plan within the following guidelines: (1-5-87)

a. No training in universities, colleges, vocational schools or technical schools will be paid for with rehabilitation funds unless maximum efforts have been made to secure grant assistance in whole or in part from all other known sources. (1-5-87)

b. Training in institutions of higher learning will be provided to the level that ordinary entry into the selected vocational field is made. (1-5-87)

c. Training in universities, colleges, vocational schools or technical institutes will take place within the state of Idaho unless it can be shown that training that would allow the client equal employment opportunities is not available within the State. Except for specialized training programs for the blind, in no case will the cost of attending an out-of-state facility exceed the highest cost of attending an in-state public facility. (1-5-87)

04. **Orientation And Adjustment Center Training.** The Commission for the Blind will operate and maintain an Orientation and Adjustment Center for the blind of the State and for those persons for whom, through joint planning, it is determined that the Orientation and Adjustment Center is the most suitable resource for prevocational or vocational training. The primary focus of this center will be to develop proper attitudes about blindness in the student. Hand-in-hand with this emphasis will be training in such skill areas as the long cane method of travel, Braille, typing, home economics, industrial arts, sewing and abacus. Essential to the student's development will be an understanding of the social and vocational attitudes about blindness and an awareness of how to cope with problems which will arise by reason of the negative social and vocational attitudes about blind individuals. (1-5-87)

05. **Home Instruction.** Alternative training in the areas described above is also available through the home teaching program of the Commission for the Blind for those persons who do not attend the Orientation and Adjustment Center. (1-5-87)

06. **Training Tools And Materials.** The Commission for the Blind will provide to the client books, tools and other training materials as agreed to through joint planning by the counselor and client. The amount of materials supplied will be dependent upon the course of study, and it is expected that different amounts would be provided to individual clients. Major pieces of equipment, such as closed circuit television magnifying systems, sensory conversion systems such as Versa Brailers, computers with voice output, etc., will not be assigned to an individual nor a training program, but rather will be assigned to the training facility and utilized by the maximum number of clients of the Commission for the Blind attending that facility. (1-5-87)

07. **Maintenance.** Maintenance is a supportive service of the Commission for the Blind provided to allow clients to derive the full benefit of other vocational rehabilitation services. It can be provided at any time during the rehabilitation process in conjunction with other vocational rehabilitation services. The provision of maintenance will be part of the services outlined in the individualized written rehabilitation plan. If not, a memo outlining the provision of maintenance and related services will be prepared for the case file. As a supportive service, maintenance cannot be provided unless other services, excluding counseling and guidance, are being provided concurrently. The amount of maintenance will be determined by the circumstances of each client and will be governed by the following: (1-5-87)

a. Maintenance payments may be used to cover the cost of food, shelter, clothing and other subsistence expenses. (1-5-87)

b. Maintenance should not exceed the amount of increased expense to a client caused by engaging in a rehabilitation program. (1-5-87)

c. When maintenance exceeds the cost of subsistence expenses determined by other public programs (i.e., Health and Welfare and SSI), a full explanation will appear on the individualized written rehabilitation plan or in the case dictation. (1-5-87)

d. When providing maintenance for a client to meet subsistence expenses while in a travel status, the amount will not exceed the amount provided to State employees. (1-5-87)

e. Maintenance will be provided only following a financial needs determination and after a thorough search for similar benefits has been made. (1-5-87)

08. **Transportation.** The Commission for the Blind will pay for transportation, including per diem, while in travel status that is necessary for a client to receive diagnostic or other rehabilitation services except maintenance. The Commission for the Blind will pay for, when deemed necessary by the client and counselor, the transportation expenses of one attendant to travel with a client. Transportation may include relocation and moving expenses necessary for achieving a vocational rehabilitation objective. (1-5-87)

09. **Services To Family Members.** The Commission for the Blind will provide services to the family members of a client after a determination has been made that such services are necessary to the vocational rehabilitation of the client. These services may be, but are not limited to the following: transportation, care of infants and children, counseling, etc. (1-5-87)

10. **Interpreter Services For The Deaf.** The Commission for the Blind will provide interpreter service, including tactile interpreting for deaf-blind individuals, to all individuals in need of such services in order to take full advantage of diagnostic or rehabilitation services. Where appropriate, the assistance of staff of other agencies and/or facilities will be secured to assist in the rehabilitation of deaf-blind individuals. (1-5-87)

11. **Reader Services.** Funds will be made available for reader services to any client who is enrolled in a training program directed toward achieving his/her vocational goal in which reading is required. The client and the counselor will plan jointly as to the amount of funds required to meet the client's individual reading needs for a specified period. The agreement reached will be incorporated into the client's individualized written rehabilitation plan and the client will be given written authorization specifying the amount which has been authorized and the time period encompassed in the authorization. The client will arrange for his/her readers to bill the Commission for the Blind monthly for the reader service which has actually been provided. The client is responsible for reviewing bills submitted for completeness and accuracy. (1-5-87)

12. **Rehabilitation Teaching Services.** Rehabilitation teaching services will be available from three (3) sources: (1-5-87)

a. From the Orientation and Adjustment Center (provided that it has been determined in joint planning that the Orientation and Adjustment Center is the best vehicle for prevocational or vocational training); (1-5-87)

b. Through the Commission for the Blind's home teacher service for those persons who do not attend the Orientation and Adjustment Center; and (1-5-87)

c. Directly from rehabilitation counselors when the other sources are temporarily unavailable. (1-5-87)

13. **Orientation And Mobility Services.** The objective of orientation and mobility services is to develop skills, techniques, and attitudes which enable the individual to truly function independently. Such services include, but are not limited to, training in the use of the long, white cane; development of effectiveness in nonvisual communication skills including Braille, typing, etc.; training in other appropriate skills needed by the individual to fulfill his/her responsibilities in his/her home community; stimulating affirmative attitudes toward the role of blind persons in our society and their competency to function competitively; and development of readiness to accept or even insist upon equal responsibilities and privileges of citizenship. (1-5-87)

14. **Telecommunications, Sensory And Other Technological Aids And Devices.** The Commission for the Blind will provide telecommunications, sensory and other technological aids and devices when it has been determined through joint planning that such an aid or device is required to significantly enhance employment opportunities in the area of the vocational goal stated on the client's individualized written rehabilitation plan or significantly improve an employed client's performance so that he/she would not be underemployed. All devices and aids provided under this policy, where appropriate, will be supplied to clients only by persons licensed to do so by the State or, in the cases of newly developed aids and devices, after they meet any applicable engineering or safety standards. (1-5-87)

15. **Recruitment And Training Services To Provide New Employment Opportunities In The Fields Of Appropriate Public Service Employment.** The Commission for the Blind will assist the client to find employment in the areas which are most interesting and appealing to him/her. The counselor will, however, use his/her expertise to point out job opportunities which are available in the areas of rehabilitation, health, welfare, public safety, law enforcement and other appropriate public service employment; and the Commission for the Blind will assist in the developing opportunities for practicum or other training, either paid or unpaid, in these public service areas. (1-5-87)

16. **Placement In Suitable Employment.** The Commission for the Blind will assist the client who has completed the necessary preparations in locating and securing regular competitive employment. (7-1-93)

a. In all cases, competitive employment will be considered first. (1-5-87)

b. Consideration of sheltered employment will be made only after it is determined that competitive employment cannot be achieved within reasonable bounds. (1-5-87)

c. In determining suitability of employment, factors to be considered include (but are not limited to) the client's interests, training and qualifications, background, job availability, starting wage or salary, opportunity for advancement, and the client's willingness to relocate. (1-5-87)

17. **Post Employment Services.** The Commission for the Blind will provide post employment services when it has been determined such services are necessary to maintain employment, or in the case of an individual who accepted initial employment below their capabilities, to achieve more suitable employment which must be more apt to maintain the individual in employment and which must be closely related to the existing job. (1-5-87)

a. If new and distinct handicapping problems have arisen or extensive rehabilitation services are required, a new individualized written rehabilitation plan will be completed. (1-5-87)

b. Services which are primarily supportive of other rehabilitation services, specifically maintenance and transportation, cannot be provided by themselves as post employment services. (1-5-87)

18. **Occupational Licenses, Tools, Equipment, Initial Stocks (Including Livestock), And Supplies Necessary To Enter An Occupation Or Small Business.** Occupational licenses, tools, equipment, initial stocks

(including livestock), and/or supplies necessary to enter an occupation or small business will be provided by the Commission for the Blind or the Commission for the Blind will assist in the application for assistance from other agencies and/or facilities for any or all of these services, to a client who has a vocational objective stated in a jointly developed and approved individualized written rehabilitation plan that calls for them. (1-5-87)

a. Expenditures for these services, in some cases, may be substantial and the Commission for the Blind will assist a client in obtaining financial assistance in these cases from other sources with the Commission for the Blind using rehabilitation funds mainly to deal directly with the handicap to employment caused by blindness. (1-5-87)

b. In no instance will the Commission for the Blind use rehabilitation funds to purchase land, an existing or for the erection of a building, or for the purchase of intangible resources of an existing business. (1-5-87)

19. **Other Goods And Services.** Other goods and services which can be reasonably expected to be of benefit in terms of employability and are not contradicted by the Rehabilitation Act as amended, the Regulations or the State Plan, may be provided, if necessary, to reach the vocational goal stated on a jointly developed and approved individualized written rehabilitation plan. (1-5-87)

251. -- 299. (RESERVED).

**300. RATES OF PAYMENT.**

The Commission for the Blind will make reasonable efforts to purchase supplies for clients' rehabilitation needs which are the most reasonable and satisfactory quality at the lowest available cost or the usual and customary charge for such services except when such practice significantly delays or interferes with the provision of vocational rehabilitation services to the client. (1-5-87)

01. **Establishment Of Rates.** In establishing rates of payment the Commission for the Blind will analyze the costs of other state and public agencies for the same or similar services and will consult with organizations or businesses providing such services. (1-5-87)

02. **Upper Limits.** The Commission for the Blind reserves the right to establish upper limits on any goods and services. (1-5-87)

301. -- 309. (RESERVED).

**310. AVAILABILITY OF PERSONNEL TRAINED IN CLIENT NATIVE LANGUAGE OR MODE OF COMMUNICATION.**

In cases where it is necessary to provide for interpretation of any mode of communication, the Commission for the Blind will seek such services at no cost when available or at cost when necessary. (1-5-87)

311. -- 314. (RESERVED).

**315. BUSINESS ENTERPRISE PROGRAM AND USE OF SECTION 110 DOLLARS IN RANDOLPH-SHEPPARD PROGRAM.**

All clients of the Commission for the Blind eligible for the Randolph Sheppard Program will be referred to the vocational rehabilitation program for consideration of vocational rehabilitation services. (1-5-87)

316. -- 319. (RESERVED).

**320. PROVISION OF SERVICES TO CERTAIN DISABLED CIVIL SERVICE EMPLOYEES.**

The State Plan will assure that vocational rehabilitation services are available to civil employees of the U.S. government who are disabled in the line of duty under the same terms and conditions applied to other individuals. (1-5-87)

321. -- 324. (RESERVED).

**325. APPROPRIATE COMMUNICATION MEDIA.**

The Commission for the Blind will provide recorded material for the blind and those individuals with disabilities which make it impossible for them to use printed materials. Certification of the disabling condition will be a part of the application for these services. (1-5-87)

326. -- 329. (RESERVED).

**330. REVIEW OF CASES RECEIVING EXTENDED EVALUATION SERVICES, AND REEVALUATION OF CLIENTS CLOSED STATUS 26 IN SHELTERED WORKSHOPS.**

Cases receiving extended evaluation services will be periodically reviewed to determine if the individual is capable of competitive employment. Cases closed Status 26 in sheltered workshops will be reevaluated on an annual basis. (1-5-87)

331. -- 334. (RESERVED).

**335. ADMINISTRATIVE REVIEW - CLIENT SERVICES EVALUATION.**

Each office of the Commission for the Blind will undergo an administrative review yearly. (1-5-87)

336. -- 339. (RESERVED).

**340. INFORMATION AND REFERRAL SYSTEMS.**

The Commission for the Blind will develop cooperative agreements with other service providers whereby information regarding the disabled population each agency serves is shared within the limitations of federal rules and regulations, and where appropriate, referrals to other agencies will be made to the benefit of the disabled individual being served. (1-5-87)

341. -- 344. (RESERVED).

**345. NONDISCRIMINATION.**

The Commission for the Blind will not discriminate against any individual with regard to sex, race, age, creed, color, physical or mental handicap, sexual orientation, or national origin. (1-5-87)

346. -- 349. (RESERVED).

**350. CONFIDENTIALITY.**

Personal information the Commission for the Blind has regarding any individual who is or may become legally blind, and who is or may become legally blind, and who is or may be a referral, client or former client, is and will be treated as confidential information. (1-5-87)

351. -- 354. (RESERVED).

**355. ADMINISTRATIVE REVIEW.**

All applicants will be informed of their right to request a hearing or review as outlined in the Code of Federal Regulations, 34 CFR 361.48. If the client feels there is no resolution, they may request a review from the Secretary of the U.S. Department of Education. (1-5-87)

356. -- 359. (RESERVED).

**360. CLIENT ASSISTANCE PROJECT.**

The Commission for the Blind will work cooperatively with coordinators of the Client Assistance Project. (1-5-87)

361. -- 364. (RESERVED).

**365. UTILIZATION OF REHABILITATION FACILITIES.**

The Commission for the Blind will utilize rehabilitation facilities at such times when this is an appropriate plan which will benefit the client. (1-5-87)

366. -- 369. (RESERVED).

**370. PROVISION OF SERVICES TO GROUPS.**

Services to groups may be provided to organizations serving the blind of Idaho only with the approval of the Board of the Commission for the Blind, and only in the event funds are available to provide such services. (1-5-87)

371. -- 374. (RESERVED).

**375. BARRIER FREE FACILITIES USED BY SERVICE PROVIDERS.**

The Commission for the Blind shall work with all facilities and service providers to ensure equal access. (1-5-87)

376. -- 379. (RESERVED).

**380. DEVELOPMENT OF SUBGRANTS AND CONTRACTS.**

The Commission for the Blind will follow standards of the Division of Purchasing for requests for proposals in the development of subgrants and contracts. (1-5-87)

381. -- 384. (RESERVED).

**385. RESPONDING TO FEDERAL REPORTS.**

The Commission for the Blind will comply with federal requirements regarding federal statistical and financial reporting organizations. (1-5-87)

386. -- 389. (RESERVED).

**390. RETENTION OF RECORDS.**

Client files, and financial and statistical records of the Commission for the Blind will be kept for three (3) fiscal years once they become inactive. (1-5-87)

391. -- 394. (RESERVED).

**395. PUBLIC INPUT TO THE POLICY DEVELOPMENT OF THE COMMISSION.**

The Commission for the Blind will illicit public input for development of agency policy, rules and regulations. (1-5-87)

396. -- 999. (RESERVED).

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§ 22.1-217 Visually impaired children.

§ 2.1-450 Purchases from Department for the Blind and Vision Impaired; violation.

§ 46.2-221 Certain state agencies to report to Department concerning the blind and nearly blind; use of such information by Department; Department to report names of persons refused licenses for defective vision.

Other References of Interest to Blind and Vision Impaired Persons:

Title 51.5, Chapter 9 - Rights of Persons With Disabilities.

§ 24.2-649 Assistance for certain voters.

§ 63.1-171.3 Duty of driver approaching blind pedestrian; effect of failure of blind person to carry white cane or use dog guide.

§ 46.2-933 When vehicles to stop for pedestrian guided by dog or carrying white, red-tipped white, or metallic cane.

§ 46.2-934 Failure to use cane or guide dog not contributory negligence.

§ 3.1-796.128:1 Intentional interference with a guide or leader dog; penalty.

§ 3.1-796.87 Amount of license tax.

§ 29.1-301 Exemptions from license requirements.

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§ 63.1-68. Appointment, terms and qualifications of members of Board; eligibility for reappointment; quorum.

Prior to July 1, 1988, the Virginia Board for the Blind and Vision Impaired, hereinafter sometimes called the Board, shall consist of seven members who shall be appointed by the Governor for terms of seven years each, one term beginning each year. Effective July 1, 1988, the members of the Board shall be appointed by the Governor for terms of four years. No person shall be eligible to serve more than two successive terms, provided that a person heretofore or hereafter appointed to fill a vacancy may serve two additional successive terms. Incumbency during a current term when this section becomes effective shall constitute the first of two successive terms with respect to eligibility for reappointment. Vacancies occurring on the Board shall be filled by the Governor for the unexpired term. All appointments hereunder shall be made without reference to party affiliations, but solely on account of the fitness of the appointees to discharge their duties as members of the Board. The membership of the Board, however, shall at all times include four persons who are blind. Four members of the Board shall constitute a quorum for the transaction of any lawful business. Annually, the Board shall elect its chairman from among its blind members.

Wherever in the laws of this Commonwealth reference is made to the Virginia Commission for the Blind, to the Virginia Commission for the Visually Handicapped, to the Virginia Department for the Visually Handicapped, or to the Virginia Board for the Visually Handicapped, whichever is appropriate for the context, such reference shall be deemed to be the Virginia Department or Board for the Blind and Vision Impaired.

(Code 1950, § 63-162; 1954, c. 71; 1962, c. 161; 1966, c. 43; 1968, c. 578; 1980, c. 4; 1988, c. 125; 1995, c. 392; 2000, c. 498.)

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§ 63.1-68.1. Powers and duties of Board; form of materials.

A. The Board shall exercise the following general powers and duties:

1. Advise the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly on the delivery of public services to and the protection of the rights of persons with disabilities on matters relating to this title, and on such other matters as the Governor, Secretary, Commissioner, or the General Assembly may request; and
2. Review and comment on policies, budgets and requests for appropriations for the Department prior to their submission to the Secretary of Health and Human Resources and the Governor and on applications for federal funds.

B. Material submitted by the Commissioner for review and comment by the Board, when practicable, shall be in the medium or format suitable for review by each member of the Board.

(1992, c. 755; 1995, c. 392.)

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§ 63.1-69. Chairman of Board; meetings; Commissioner of Department; personnel.

The Board shall elect one of its members as chairman, who shall preside at its meetings and shall have power to call meetings when he deems it advisable.

The supervision of the Department shall be the responsibility of the Commissioner of the Department under the direction and control of the Governor. The Commissioner shall be appointed by the Governor, subject to confirmation by the General Assembly, to serve at the pleasure of the Governor for a term coincident with that of the Governor. The Commissioner of the Department shall employ such personnel as may be required to carry out the purposes of this chapter.

(Code 1950, § 63-163; 1968, c. 578; 1980, c. 4; 1984, c. 498.)

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§ 63.1-70. Department to act as bureau of information and industrial aid.

The Department shall act as a bureau of information and industrial aid, the object of which shall be to assist the blind in finding employment, and to teach them industries which may be followed in their homes.

(Code 1950, § 63-164; 1968, c. 578; 1980, c. 4.)

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# Washington

## Chapter 74.18 RCW

### DEPARTMENT OF SERVICES FOR THE BLIND

To view this chapter you can:

1. Download the complete Chapter as a single file - [RCW 74.18 CHAPTER](#)  
(This file is a self-extracting HTML file. Double click to open after saving to a folder on your computer), or
2. View the individual sections below:

#### SECTIONS

[74.18.010](#) Intent.

[74.18.020](#) Definitions.

[74.18.030](#) Department created.

[74.18.040](#) Director -- Appointment -- Salary.

[74.18.050](#) Appointment of personnel.

[74.18.060](#) Department -- Powers and duties.

[74.18.070](#) Rehabilitation council for the blind -- Membership.

[74.18.080](#) Rehabilitation council for the blind -- Meetings -- Travel expenses.

[74.18.090](#) Rehabilitation council for the blind -- Powers.

[74.18.100](#) Rehabilitation council for the blind -- Director to consult.

[74.18.110](#) Receipt of gifts, grants, and bequests.

[74.18.120](#) Administrative review and hearing -- Appeal.

[74.18.130](#) Vocational rehabilitation -- Eligibility.

[74.18.140](#) Vocational rehabilitation -- Services.

[74.18.150](#) Vocational rehabilitation -- Grants of equipment and material.

[74.18.160](#) Vocational rehabilitation -- Orientation and training center.

[74.18.170](#) Rehabilitation or habilitation facilities authorized.

[74.18.180](#) Services for independent living.

[74.18.190](#) Services to blind children and their families.

[74.18.200](#) Business enterprises program -- Definitions.

[74.18.210](#) Business enterprises program -- Purposes.

[74.18.220](#) Business enterprises program -- Vending facilities in public buildings.

[74.18.230](#) Business enterprises revolving account.

[74.18.250](#) Specialized medical eye care -- Prevention of blindness.

[74.18.901](#) Conflict with federal requirements.

[74.18.902](#) Severability -- 1983 c 194.

RCW 74.18.010

Intent.

The purposes of this chapter are to promote the economic and social welfare of blind persons in the state of Washington, to relieve blind or visually handicapped persons from the distress of poverty through their complete integration into society on the basis of equality, to encourage public acceptance of the abilities of blind persons, and to promote public awareness of the causes of blindness.

[1983 c 194 § 1.]

RCW 74.18.030

Department created.

There is hereby created an agency of state government to be known as the department of services for the blind. The department shall deliver services to blind persons to the extent that appropriations are made available, provided that applicants meet the eligibility criteria for services authorized by this chapter.

[1983 c 194 § 3.]

RCW 74.18.040

Director -- Appointment -- Salary.

The executive head of the department shall be the director of the department of services for the blind. The director shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director's salary shall be fixed by the governor in accordance with the provisions of RCW 43.03.040.

[1983 c 194 § 4.]

RCW 74.18.050

Appointment of personnel.

The director may appoint such personnel as necessary, none of whom shall be members of the \*advisory council for the blind. The director and other personnel who are assigned substantial responsibility for formulating agency policy or directing and controlling a major administrative division, together with their confidential secretaries, up to a maximum of six persons, shall be exempt from the provisions of chapter 41.06 RCW.

[1983 c 194 § 5.]

**NOTES:**

\*Reviser's note: The "advisory council for the blind" was renamed the "rehabilitation council for the blind" by 2000 c 57 § 1.

RCW 74.18.060

Department -- Powers and duties.

The department shall:

(1) Serve as the sole agency of the state for contracting for and disbursing all federal and state funds appropriated for programs established by and within the jurisdiction of this chapter, and make reports and render accounting as may be required;

(2) Adopt rules, in accordance with chapter 34.05 RCW, necessary to carry out the purposes of this chapter;

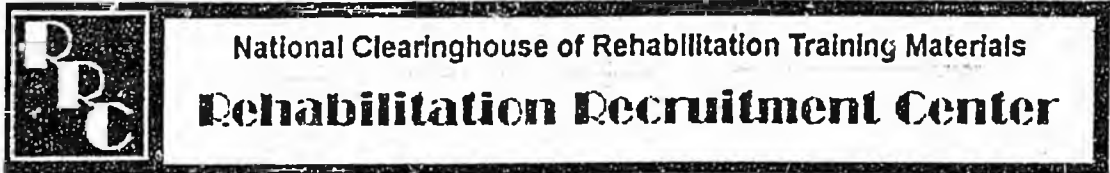
(3) Negotiate agreements with other state agencies to provide services for individuals who are both blind and otherwise disabled so that multiply handicapped persons and the elderly blind receive the most beneficial services.

[1983 c 194 § 6.]

## Attachment C

Rehabilitation Recruitment Center's list of states with separate agencies

[Job Seeker Homepage](#) | [Alphabetical Site Index](#) | [Career Resource Center](#) | [Help Pages](#) |  
[Liability Disclaimer](#) | [Send Email to RRC](#) |  
 PERSONAL PROFILE: [Submit/Edit](#) | [Resubmit or Extend](#) | [View My Profile](#) | [Delete](#) |  
 EMPLOYMENT: [View Employer Brochures](#) | [Search Position Announcements](#) |  
 INTERNSHIPS: [View Internship Contact Listing](#) |



## Employer Brochure Index

Alphabetical Index  
(click on a letter or on the word Territories)

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### A

*+ = separate agency  
27 states*

[Alabama Department of Rehabilitation Services](#)

[Alaska Division of Vocational Rehabilitation](#)

[Arizona Rehabilitation Services Bureau](#)

[Arkansas Rehabilitation Services](#)

[Arkansas State Services for the Blind](#)

*\**

### C

[California Department of Rehabilitation](#)

[Colorado Division of Rehabilitation](#)

[Connecticut Bureau of Rehabilitation Services](#)

[Connecticut Board of Education and Services for the Blind](#)

### D

[Delaware Division of Vocational Rehabilitation](#)

[Delaware Division for the Visually Impaired](#)

*\**

[District of Columbia Vocational Rehabilitation Services Administration](#)

**F**

Florida Division of Vocational Rehabilitation

Florida Division of Blind Services

\*

**G**

Georgia Division of Rehabilitation Services

**H**

Hawaii Vocational Rehabilitation and Services for the Blind

\*

**I**

Idaho Division of Vocational Rehabilitation

Idaho Commission for the Blind and Visually Impaired

\*

Illinois Department of Rehabilitation Services

Indiana Vocational Rehabilitation Services

Iowa Division of Vocational Rehabilitation Services

Iowa Department for the Blind

\*

**K**

Kansas Rehabilitation Services

Kentucky Department of Vocational Rehabilitation

Kentucky Department for the Blind

\*

**L**

Louisiana Division of Vocational Rehabilitation

**M**

Maine Division of Vocational Rehabilitation Services

Maine Division for the Blind and Visually Impaired

\*

Mankato State University - Mankato, Minnesota

Maryland Division of Rehabilitation Services

Massachusetts Rehabilitation Commission

Massachusetts Commission for the Blind \*

Michigan Rehabilitation Services

Michigan Commission for the Blind \*

Minnesota Division of Rehabilitation Services

Minnesota State Services for the Blind †

Mississippi Rehabilitation Services

Missouri Division of Vocational Rehabilitation

Missouri Rehabilitation Services for the Blind \*

Montana Rehabilitative Services Division

## N

Nebraska Vocational Rehabilitation

Nebraska Services for the Visually Impaired \*

Nevada Rehabilitation Division

Nevada Services to the Blind and Visually Impaired \*

New Hampshire Division of Vocational Rehabilitation

New Jersey Vocational Rehabilitation Services

New Jersey Commission for the Blind and Visually Handicapped †

New Mexico Division of Vocational Rehabilitation

New Mexico Commission for the Blind \*

New York Vocational Educational Services for Individuals with Disabilities

New York Commission for the Blind and Visually Handicapped †

North Carolina Division of Vocational Rehabilitation Services

North Carolina Division of Services for the Blind \*

North Dakota Department of Vocational Rehabilitation

O

Ohio Rehabilitation Services Commission

Oklahoma Department of Rehabilitation Services

Oregon Vocational Rehabilitation Division

Oregon State Commission for the Blind

\*

---

P

Pennsylvania Bureau of Vocational Rehabilitation

Pennsylvania Blindness and Visual Services

\*

R

Region II RRCEP

Rhode Island Office of Rehabilitation Services

S

South Carolina Vocational Rehabilitation Department

South Carolina Commission for the Blind

\*

South Dakota Division of Rehabilitation Services

South Dakota Services to the Visually Impaired

\*

---

T

Tennessee Division of Vocational Rehabilitation

Texas Rehabilitation Commission

Texas Commission for the Blind

\*

---

U

Utah State Office of Rehabilitation

## V

Vermont Vocational Rehabilitation Division

Vermont Division of Services for the Blind and Visually Handicapped \*

Virginia Department of Rehabilitative Services

Virginia Department for the Blind and Vision Impaired \*

## W

Washington Division of Vocational Rehabilitation

Washington State Services for the Blind \*

West Virginia Division of Rehabilitation Services

Wisconsin Division of Vocational Rehabilitation

Wyoming Division of Vocational Rehabilitation

## TERRITORIES

American Samoa Vocational Rehabilitation

Federal States of Micronesia Vocational Rehabilitation

Guam Department of Vocational Rehabilitation

Marshall Islands North Mariana Islands Vocational Rehabilitation Services

Puerto Rico Division de Rehabilitacion Vocacional

Virgin Islands Division of Disabilities and Rehabilitation Services

Republic of Palau Vocational Rehabilitation

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*Last updated: 8/22/2001*

## Attachment D

"Why Separate Agencies for the Blind?" National Council of State Agencies Serving the  
Blind

## WHY SEPARATE AGENCIES FOR THE BLIND?

### THE PROBLEM

Because of the myths and stereotypes of blindness, rehabilitation agencies for blind persons must take a different approach than agencies that serve persons with other disabilities. Agencies serving the blind must deal with two problems. Of course, they must address the physical loss of vision by teaching specialized skills and techniques. But, they must also address the misconceptions. The second aspect involves creating attitudinal changes in their clientele and in society. This requires that rehabilitation professionals working with blind persons possess in-depth knowledge about the abilities of blind people. In addition, they must possess the ability to teach blind persons how to deal positively with public attitudes, and must be prepared to deal with those attitudes themselves.

### BACKGROUND

Throughout history, people have feared blindness more than almost any other physical disability. In the last few years, AIDS, cancer and Alzheimer's Disease have become more feared in industrialized nations because massive publicity has brought them to the forefront. For most of the world, however, blindness is still the most feared.

The fear of blindness is based largely upon two elements: the extent to which we rely upon vision as our primary sense, and the negative images about blindness which are almost universal throughout the world. These negative images are pervasive and deeply entrenched: If you can't see, you can't do; blind people are dependent and not able to meet their own needs; they cannot work, travel, enjoy recreation or maintain households. These two elements represent myths and stereotypes which constitute a dangerous and misleading view of blindness. They lead the general public to assume that visually impaired persons lead cloistered, sterile lives. They deny the essential truth of the normality of blind persons. They deny the fact that many, many blind people lead successful, fulfilling lives.

All those concerned with the welfare of blind persons, plus blind persons themselves, must understand that the myths and stereotypes held by the general public are the single most difficult obstacle to assisting blind persons to achieve success in life. Whatever other elements are involved, rehabilitation staff and their clients are always confronted with the need to overcome these perceptions.

#### WHAT'S AT STAKE?

For years many states have examined the feasibility -- even the desirability -- of merging specialized agencies for the blind with

other human service agencies. Even with the attractive idea of saving money by creating a massive bureaucracy, many states reached a different conclusion. They determined that true cost effectiveness, efficient and timely service delivery, focused management, and competent targeted leadership are best accomplished in a separate agency, or in an identifiable department or bureau with competent, qualified and trained staff.

Research to compare outcomes of rehabilitation services for people who are blind according to specialized or general settings has been limited. The best designed study (conducted for the U.S. Rehabilitation Services Administration by a neutral research firm - JWK International) had two major findings.

First, most state agencies, even those not identified as providing rehabilitation services solely for persons who are blind or visually impaired, chose to serve blind people either:

via a specialized unit within the agency, or via counselors in a specialized unit within the agency, or via counselors with specialized caseloads.

Second, specialized caseloads, regardless of agency type, produced better rehabilitation outcomes for blind clients.

This and other studies have supported the advantages of separate agencies.

#### WHY SPECIALIZED SERVICES?

Nowhere is the need for specialized, intensive services more required than in dealing with the consequences of blindness. The basic skills and techniques to overcome blindness are many and varied and teaching these basic skills requires discrete knowledge, a thorough understanding of blindness and the problems attendant to it.

Unique skills related to this disability:

1. Traveling with the long cane or the guide dog. Such training must encompass how to assess the environment and move about efficiently in it.
2. Braille, a system of reading and writing which depends upon the tactile identification of raised dots. Braille will vary in complexity from a simple alphabet to specialized notations for computers, foreign languages, music, math and other disciplines.
3. Assistive technology, including the use of synthetic

speech for computers, closed circuit television magnifiers, Braille computer terminals and reading machines or scanners. This includes assessment of the need for specific devices to accomplish specific tasks.

4. Independent living, including all the skills for personal and home maintenance -- from grooming, to how to cook, to how to get to work. In short, all those things sighted persons take for granted in daily living.

5. Personal adjustment, which is a blind person learning how to deal with the effects of total or partial loss of vision and how to respond to negative thinking about the abilities of blind people.

The efficient, effective transmittal of all the skills required to cope with blindness requires the specialized attention of experts whose own unique training and experience has been focused on those who are visually impaired.

#### WHAT STRUCTURE IS MOST CONDUCTIVE TO DELIVERY?

Several considerations must go in to determining which administrative structure is most appropriate to deliver effective services:

1. Savings or Service -- Does the consolidation of administrative functions result in meaningful savings? Are larger units of government efficient, considering the inherent problems of complex bureaucracies in terms of slowness and lack of focus?

2. Consolidation or Specialization -- Are there things to be learned from big business which, because of hard lessons learned from unhappy past consolidations, is moving to decentralize and adopt the practice of smaller, more specialized units.

3. Ease or Difficulty of Access -- How can blind and visually impaired persons best access services? Accessing service delivery systems always presents problems for consumers, especially for persons who are blind or visually impaired because they are a minority among the total disability population. aren't their specialized needs likely to be lost in a combined setting which attempts to deal with the needs of persons with all types of disabilities?

4. Generic Skills or Relevant Knowledge -- Can persons trained to provide general rehabilitation services

furnish the kinds of services visually impaired persons require?

5. Generalized or Specialized Focus -- Can senior managers of generalized rehabilitation agencies bring to bear adequate specialized training and experience to develop the most effective service programs for blind and visually impaired persons?

#### WHAT DO CUSTOMERS WANT?

A paramount issue in deciding upon the structure of a service delivery system for blind and visually impaired persons must be the view point of the consumers of the services. All major organizations of and for the blind agree on the need for specialized services. They overwhelmingly believe that the optimal way to deliver such services is through a separate agency.

Reasons for agreement include the following:

Access to decision-makers -- not buried in a bureaucracy.

Specially-trained personnel who can use their skills and abilities to facilitate the acquisition of vocational and independent living skills.

Appropriate representation on advisory councils, task forces, and other work groups so that their specific needs can be addressed.

An agency that advocates for blind persons to overcome the myths and stereotypes so evident in our society.

#### WHAT HAS THE EXPERIENCE OF EDUCATION SHOWN US?

Time and experience have demonstrated that forcing the integration of blind persons has not served them well. For example, those concerned with the education of blind children have found that "mainstreaming" as a rule has not worked for visually impaired children. In too many cases, it has resulted in inferior education for them. Many states, under the pressures of inadequate funding and resources, have abdicated responsibility for providing special education programs for visually impaired children. An unanticipated harmful effect has been the loss of many special education personnel and teachers. All of this has had disastrous effects on blind students, who, in many cases, had to fend for themselves in integrated, mainstream classrooms. This experience of the educational system should serve as a warning to those who advocate integrated rehabilitation agencies for adults.

#### CONCLUSION

The skills of blindness are markedly different from the skills

required by other disabled persons. The methodology of instructing the blind and confronting the issues of blindness in our society require the development of specialized service programs, with service delivery by specialized personnel. Therefore, the National Council of State Agencies for the Blind (NCSAB) supports the concept of a separate service delivery system and organizational structure for the blind to maximize the success of blind persons served by rehabilitation agencies.

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## Attachment E

"Why ICBVI?" Idaho Commission for the Blind and Visually Impaired (Report supporting specialized services for the blind in Idaho)

# WHY ICBVI?

## WHY SPECIALIZED SERVICES FOR ADULTS WHO ARE BLIND AND VISUALLY IMPAIRED?

Surveys by Gallup indicate that behind AIDS, terminal cancer and Alzheimer's disease, the thing that Americans fear most is becoming blind. This fear is based on the negative images about blindness that are universal in American society...if you can't see, you can't do...blind people are dependent and not able to take care of themselves...blind people can't work, travel, read, enjoy recreation, maintain a household, etc. These images are inaccurate and dangerous for two reasons: first, blind and visually impaired adults can and do live fulfilling and successful lives; and second, such images stereotype a class of people that possess only one common characteristic - being blind or visually impaired.

Given the ongoing existence of these myths and stereotypes a qualitatively different rehabilitation approach is required. Agencies serving persons who are blind or visually impaired must deal with two problems. First, they must address the physical loss of vision by teaching specialized skills and techniques. Second, they must be able to address the misconceptions. This requires creating attitudinal changes on the part of blind persons and on the part of society.

### Specialized Services

What do you do when you meet a blind person? Are you comfortable knowing what to do or what to ask? Most people are not. This is a sight-oriented world which requires specialized services so that people without vision can be independent, self-sufficient, and capable members of society. Think about the way most of us take in information. It is estimated that between 75-90% of communication is visual. People rely upon visual cues such as facial expressions and body language to size-up situations. People who are blind are at a disadvantage if they don't learn the appropriate skills. What is meant by specialized services? What are basic techniques and skills of blindness? Obviously they are many and varied. They range from how-to get around to how-to carry out the duties of an electrical engineer. The teaching of these basic skills requires specialized knowledge and as thorough an understanding of the problems of blindness as possible. Competent blind persons should be the ultimate judge of what skills are developed and taught.

### Organizational Issues

In the 50 states and the District of Columbia, there are 26 separate state rehabilitation agencies serving blind and visually impaired people. The other 25 state agencies serve them in rehabilitation agencies that combine services to blind and visually impaired persons with services to persons who have other disabilities. In almost every one of those 25 states, separate, specialized services are still being provided to blind and visually impaired people. Even when they don't have a separate agency, they maintain the specialized services.

In considering how to provide specialized services for people who are blind or visually impaired, the following questions need to be addressed:

\* Aren't potential savings from consolidation of administrative functions

offset by bureaucratic miscues, and decision making slow downs typically found in larger units?

- \* Aren't "Big" businesses decentralizing and adopting smaller, more specialized units because of the hard lessons learned from previous consolidation efforts?
- \* How do consumers get access to service delivery systems? Persons who are blind or visually impaired comprise a small minority of the disabled population and their specialized needs get lost in "combined" organizations that are attempting to deal with a variety of human needs.
- \* Finally, wouldn't you want your family member to get services from someone who was trained to deal specifically with vision loss problems? Can generalists really provide the required services and build the necessary confidence in newly blinded persons?

Over the past decade, many states have looked at the issue of merging specialized blind agencies with other human service agencies. In most of these states, the conclusions were the same: program and funding accountability, cost-effectiveness, efficient service delivery, and management and leadership are best accomplished in a separate agency, department or bureau with competent, qualified trained staff.

#### Political Considerations

In analyzing the decision of whether or not to combine services, another set of considerations must come into play; namely, what do consumers want and expect? All major organizations of and for the blind agree on the need for specialized services and believe that the optimal way they can be delivered is through a separate agency. Through separate agencies consumers are assured of:

- \* Access to decision-makers who are not buried in bureaucracy.
- \* Specially trained personnel who can use their skills and abilities to facilitate the acquisition of vocational and independent living skills by people who are blind or visually impaired.
- \* Trained staff who have the specialized expertise to train blind and visually impaired people on low and high technology.
- \* Appropriate representation on advisory councils, task forces, and other work groups so that their specific needs can be addressed.
- \* An agency that advocates for blind persons to overcome the myths and stereotypes so evident in our society.

#### Conclusion

Should other disabilities have specialized rehabilitation services? Ideally so. However, blind consumers have long been in the forefront of assuring specialized services for blind and visually impaired individuals, and they need the system of specialized services that has historically been in place in order to assure the greatest likelihood of success.

#### WHY THE IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

In 1967 the Gem State Blind, later to become the National Federation of the Blind of Idaho lobbied the Idaho Legislature for the creation of a separate agency to serve blind individuals. There were estimated to be around 6,000 blind Idahoans. Their argument was:

- \* These Idahoans were not being reached or served by vocational rehabilitation services presently offered.
- \* The number of individuals in this disability group was substantial enough to warrant specialized services of a separate agency.

- \* The needs of this disability population were unique and beyond the expertise of IDVR staff at the time.
- \* The public misconceptions about blindness were not only held by most of the public about the capabilities of blind people, but were attitudes that the blind of Idaho were experiencing with their interaction with rehabilitation counselors.

At that time, within the State of Idaho, specialized services were negligible or nonexistent. Specialized services have been and are the current norm in Idaho since the Commission began. On October 1, 1967 all responsibilities and duties of the Department of Public Assistance relating to services to the blind and sight conservation were transferred to the newly created Idaho Commission for the Blind. With Idaho's population approximately 1.2 million, most estimates regarding the number of blind and visually impaired persons within Idaho are a little more than 20,000 and rising. At any given time, the Idaho Commission for the Blind and Visually Impaired (ICBVI) has approximately 300 to 600 open cases providing comprehensive services.

One of the critical factors by which separate services for the blind is necessary, is the cost benefit. If a typical individual were to become blind or visually impaired and be unable to work at age 35 presuming a normal work history, they would be eligible for social security disability insurance benefits. Average benefits from this program are up to \$1300 per month, not including the other benefits such as food stamps, housing, and medical. Presuming that individual did not work for the following 30 years, and instead depended on social security disability insurance, the federal expense would amount to approximately \$216,000. If that individual is able to return to work, that \$216,000 becomes a savings to taxpayers.

This doesn't consider the other values reflected in the VR system or the tax contribution that the individual would make when employed. The Federal Office of Management and Budget estimate that for every dollar spent on rehabilitating people, the Government receives a return of \$11.00 in taxes. Based solely on the cost benefit to society the present ICBVI's budget would be justified by rehabilitating 15 individuals a year.

The ICBVI has two additional programs that contribute to the success and independence of blind and visually impaired Idahoans. These are "Independent Living" (IL) and "State Only" (SO) programs.

The ICBVI IL Program serves those who are not likely to re-enter the job market, but who have experienced an impediment to their independence in their home, family, or community. Separately these individuals desire to maintain their own home rather than being placed into a more dependent situation of living with family, friends, or institutional care. The program of rehabilitation offered to these individuals consists of instruction in alternative techniques so as to build their skill and confidence level to maintain their own independence. The independent living needs of the blind are individualized, varied and complex. This means that an approach to providing services must be specialized toward blindness.

The State Only program meets a variety of medical needs, especially that of prevention of blindness and sight restoration. This program is purely state-funded and serves those individuals who cannot afford medical care in order to prevent blindness.

These three programs; Vocational Rehabilitation, Independent Living, and State Only have successfully served the blind and visually impaired of Idaho. These consumers are succeeding because of the existence of an agency staffed with people who have the knowledge, skills, and ability to serve blind people.

The Idaho Commission for the Blind and Visually Impaired also offers the following uniquely individualized services:

because of stereotyping, prejudice, lack of understanding, disinterest, and many other reasons. Statistics show that nearly 75% of adult blind persons are unemployed.

The placement services at the ICBVI are specifically designed to address these issues and to work toward an employment mission. This is done through training, career exploration, job readiness, employer contacts, job development, supported employment, and direct placement. Without this "helping hand", many blind and visually impaired persons find it difficult, if not impossible, to compete in the employment market.

The Summer Work Experience Program is designed to address employment related needs in the 16-21 year old group. This program gives the opportunity to gain summer employment, learn work skills and ethics, explore career options, and live independently away from home. The end product is an experienced, trained, motivated young adult, who is confident that self-sufficiency is possible and desirable.

And the Summer Youth Program for the 14-15 year olds assists in getting these young people ready by working on pre-vocational skills, including daily living, money management, and specific blind techniques.

The positive effects of these services can be seen in the individuals that are now employed. No longer are they relegated to a position of dependence upon the social system.

Without an agency dedicated to the blind, the training, focus, vision, and understanding of the very special and specific needs of the blind would be blurred and watered-down; the Summer Work Experience Program for blind youths would not exist. The technical adaptations and assistance for job success would be enmeshed with other disability groups producing ineffective results.

The best possible services can be provided for the blind of Idaho by remaining a single, dedicated, focused, effective agency as the Idaho Commission for the Blind and Visually Impaired as it presently exists.

#### Assessment and Training Center

The Assessment and Training Center is a unique single source for comprehensive training, independent living, and related rehabilitation services. A student can complete training within the period of time that fits that individual's needs. The training is for individuals who desire to enter the work force or resume a normal family life.

This individualized instruction is best provided through a separate state agency for the blind because the needs of blind persons are unique when compared to those of the general disability population. Since 75%-90% of information gathering is visual, specialized technology is required in many cases. Because of expensive technology, high prices from vendors of such technology, time frames involved with rehabilitation of blind populations, and the high need for one-on-one instruction the cost of rehabilitating a blind client is substantially higher than those for the general disability community. When administrators and financial officers of general agencies are reviewing costs for clients they often fail to account for these factors and insist the costs for rehabilitating blind clients is reduced to fall more in line with what is expected for other disabilities.

A division such as the Assessment and Training Center would not be able to justify its existence in a general agency. The specialized needs of blind individuals would not be a high priority such as they are in a specific agency servicing the blind. The following is a partial list of the kinds of training available to blind and visually impaired people

through the Center:

- \* Travel Skills - How to use a long white cane. How to size up the environment and travel efficiently.
- \* Braille - How to use the system of reading and writing which depends upon tactile identification of raised dots that have been organized into various patterns within a cell.
- \* Independent Living Skills - How to cook, clean, shop, mend, match clothes, fix meals, and get to work.
- \* Computer, typing, and general office practices.
- \* Woodshop - How to use tools and to creatively construct a "project".
- \* Personal Adjustment/Philosophy. How to deal with the effects of blindness and limited vision.

With the confidence gained through this training, no longer is fear a paralyzing force in the blind person's life.

A separate agency for training of the blind can specialize and provide new outlooks in assisting blind and visually impaired clients. This service would be overlooked in a general agency dealing with a large general caseload.

#### Adaptive Technology

The ICBVI's Adaptive Technology Specialist works in conjunction with The Idaho School for the Deaf and Blind spreading information about access technology to school districts around the state. Supplying information and technology to blind individuals and teaching staff at an early point in their education helps the vocational process work more efficiently.

The Adaptive Tech also assists Idaho's colleges and universities with technical support for the blind and visually impaired. Recommendations are made on how a particular program can be made accessible by blind and visually impaired students. The Adaptive Tech Specialist provides advice on what and how to purchase adaptive equipment for clients of ICBVI.

The Adaptive Tech works with synthesized speech for computers, closed circuit television magnifiers, Braille computer terminals, portable low vision aids, reading machines, scanners and computer note taking devices. This includes assessing what devices are needed, as well as training on how to properly use them. This unique service can only be provided within a separate agency for the blind.

#### Low Vision Aids and Appliances

More than 14 million Americans have a visual impairment that can't be corrected by glasses or contact lenses. Eighty thousand of them are completely blind. That leaves many millions with low vision, a persistent irreversible deficit that interferes with daily living. Nearly all of these people can be helped. Visual impairment cuts into all age groups. More than half of all Americans with low vision have Macular Degeneration, a deterioration of the retina that is the number one cause of serious visual deficiency in those over 50.

Idaho's visually impaired citizens are just beginning to realize the wealth of information and aids that are available through the ICBVI. Every low vision case is different and requires customized rehabilitation. This service would not exist in an umbrella agency.

#### Business Enterprise Program

The Business Enterprise Program is authorized by Federal and State laws specifically targeting blind people. This program provides training, employment opportunities, and on-going professional and personal growth to the blind of Idaho. If this agency merged with another, extensive training would be required to educate personnel on laws, BEP operations, post-employment services used by BEP operators, skills of blindness, and other

pertinent information unusual to casework.

The Randolph-Sheppard Law was enacted because sighted people believed that blind people could not function in any employment, especially business. Those who are not trained in the skills of blindness still have that belief. Blind and visually impaired individuals are not given equal opportunities when combined with other disability groups. Until the blind of Idaho are not put on the bottom of the placement list of counselors, job placement personnel, etc. the ICBVI should remain a separate agency.

#### Volunteer Taping and Radio Reading

Blind and visually impaired persons need the same access to information as the community at large. Frequently cited as one of the frustrations of vision loss is the inability to read the newspaper or other material. Dependence on family members, electronic equipment, computer screen access, or oral reports from others is not an acceptable substitute for personal direct access to information.

The ICBVI offers two programs that help bridge this information gap. These services are "Radio Reading" and "Volunteer Taping". Since the mid-1970's blind citizens in the Treasure Valley have been able to listen to a special radio broadcast that allows them to hear a daily reading of the newspaper. Volunteers read material from the Idaho Statesman. The radio signals are transmitted to special receivers that ICBVI loans free-of-charge to blind and visually impaired consumers.

Newsline is a service whereby a blind person can access newspapers and specific articles from those publications by way of the telephone. Use of the numeric keypad allows users to read the paper at their convenience, in much the same way sighted readers do.

The Volunteer Taping service is another means for blind and visually impaired persons to stay in touch. It allows blind and other reading disabled clients to obtain recorded material that is not available to them by other means. There is no fee for this service. These programs are cost-effective. They are produced with the assistance of more than 60 volunteers, and under the direction of one full-time staff member.

If these programs were moved to a general agency, a great deal of the client-centered nature of the programs would be lost. If this service were to be transferred today to an established recording company the cost would be prohibitive. The blind of Idaho have put their collective expertise together in developing these programs to meet their specific needs.

#### Accounting, Data Management, and Building

The accounting and data management section of the ICBVI has a direct influence on the blind of Idaho. The staff's technical skills, combined with their knowledge and understanding of blindness and visual impairment help the accounting staff to interact with clients in a positive non-custodial and non-classroom way. This understanding can play a role in helping a blind person gain independence, confidence in business dealings, and bill paying, etc. This type of understanding would not occur in the accounting staff of a large agency with multiple programs in other areas.

The ICBVI's central office is in Boise, and is housed at 341 West Washington. It is often a challenge to keep this historical old building clean and presentable. Maintaining this building, and upgrading systems when possible is not only a good thing to do fiscally as a responsible agency, since the present cost of maintaining this building is just one third of present market building rates in the Boise area, but it makes a statement to and about the people that we serve. Having a clean and well maintained Commission for the Blind building says the blind people in Idaho are important. Having a safe and attractive place to work and learn is important to the blind and visually impaired of Idaho.

IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED (800)542-8688