

**RESPONSE TO THE EXECUTIVE BOARD  
OF THE  
NYS COMMISSION FOR THE BLIND  
AND VISUALLY HANDICAPPED**

**December 30, 2011**

**RESPONSE TO THE EXECUTIVE BOARD OF THE  
COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED  
2010 RECOMMENDATIONS**

**INTRODUCTION**

The Executive Board (EB) of the New York State Commission for the Blind and Visually Handicapped (CBVH) was created by the State Legislature in 2007 to examine services provided to legally blind or visually impaired New Yorkers by CBVH and other State agencies and to make recommendation to improve services where needed. The members of the Board are appointed by the Governor and Legislature.

This report is submitted in satisfaction of CBVH's obligation pursuant to the Unconsolidated Laws §8701-c to issue an annual report to the Governor, Temporary President of the Senate, Speaker of the Assembly, Senate Finance Committee and Assembly Ways and Means Committee, which contains an evaluation of the current status of any Executive Board recommendations implemented by CBVH and their impact on services and programs for blind and visually impaired persons.

The Executive Board's second report issued December 29, 2010, focused primarily on the expansion of the CBVH Business Enterprise Program (BEP) and to the education of children who are blind and or visually impaired. It also asked for updates from the 2009 report. This response focuses on the BEP expansion and the updates to our previous response. Recommendations made by the Executive Board are in plain or un-bolded print. The CBVH responses are bolded.

## **BLIND [SIC] ENTERPRISE PROGRAM; EXPANDING VOCATIONAL OPPORTUNITIES FOR THE BLIND RECOMMENDATIONS**

1. At least two staff people must be dedicated to determining where contracts already exist on newly covered properties, the scope of the service being provided and the end dates for such contracts as well as developing an inventory of new properties covered by the recently enacted legislation.
2. A time line needs to be developed and the types of facilities to be established need to be determined. These measures need to be concluded during the first half of 2011 at the latest.
3. If staff with the requisite business development knowledge is not available within CBVH, CBVH should strongly consider issuing an RFP to qualified providers of private sector oriented business and economic development services to develop and implement the business development work that must be undertaken to expeditiously implement the expanded B.E.P. program.
4. When the initial plan is submitted to CBVH by this work group, the costs should be estimated and appropriate funds allocated to carry out the plan as soon as possible, preferably in 2011, but no later than January 2012.
5. The goal for 2012 should be, at the minimum, one new facility or revenue opportunity every month beginning in January 2012.
6. The goal should be expanded during 2012 and thereafter to cover at least two facilities per month.
7. In order to keep pace with these modest goals, CBVH will need to immediately identify and recruit and fully train promising, Commission-eligible candidates to fill these positions.

### **RESPONSE**

**CBVH Business Enterprise Program (BEP) staff began planning for the BEP expansion following the enactment of Chapter 532 of the Laws of 2010, which amended Section 8714-a of the Unconsolidated Laws. CBVH is developing new opportunities through the following initiatives:**

- **Draft regulations necessary to implement the legislation are being developed.**
- **A list of “newly covered entities” has been developed. CBVH is in the process of creating a database to manage this information, contact each entity and track the progress of new opportunities. The opening of new sites will be dependent on the expiration of existing contracts and**

opportunities as specified in Chapter 532 of the Laws of 2010. New stores will open as opportunities and resources allow. CBVH is reviewing the program funding stream, as well as purchasing and repair budgets, project costs, and other program expenditures needed to prepare for the anticipated increased costs associated with expansion of the BEP. Improvements to and streamlining of the BEP construction process have been implemented to increase the capacity for new projects and reduce overall project completion times.

- A training workgroup consisting of BEP and Vocational Rehabilitation (VR) counselors is currently standardizing the BEP Manager curriculum and investigating ways to increase capacity.
- The BEP is working with CBVH VR staff to develop methods for optimal identification of potential BEP managers and improvement of the intake process.
- The current BEP database will be upgraded to include a fixed assets component, as well as an increased capacity for tracking manager, store and financial data.
- A Business Services Specialist 2 and a Business Services Specialist 1 have been added to the BEP home office staff. CBVH has submitted requests for waivers from the Division of the Budget to fill vacant field positions.
- CBVH plans to develop a needs assessment to enhance its understanding of program needs including optimal staffing and other supports in response to the projected rate of expansion.
- Expanded repair resources are being developed for vending and equipment maintenance in anticipation of future increases in service demands.
- CBVH is exploring potential private sector resources to assist in meeting the demands of new opportunities including physical plant and revenue contracts.
- CBVH will prepare for anticipated increased activity in and oversight of revenue contract expansion.
- Site development meetings are scheduled with the New York State Thruway Authority for a BEP location in their Albany headquarters and with the State University of New York (SUNY) for an on-campus review of two Buffalo campuses.

## **MOVING TOWARD AN OUTCOME-BASED ASSESSMENT MODEL IN THE HABILITATION OF BLIND PRESCHOOL AND SCHOOL AGED BLIND AND VISUALLY IMPAIRED CHILDREN**

1. No later than March 31, 2013, the Commission, working with the New York State Department of Health and the Department of Education should be directed by the Legislature to develop and submit to the Legislature in the form of Legislation for its approval, objective criteria aimed at measuring the development by every child identified with total or severe vision loss for the Blind and Visually Handicapped the acquisition of age-appropriate competencies, taking into account, as appropriate for each child such individualized factors, as additional disabilities, that may delay or otherwise impact the acquisition or demonstration of age appropriate competencies.
2. In developing these criteria the Legislature should solicit input from a broad range of blindness and low vision related rehabilitation services providers, including, but not limited to providers of center-based education and rehabilitation programs, Teachers of the Visually Impaired, Orientation and Mobility specialists, Vision and Occupational Rehabilitation specialists with training and experience in providing services to children with little or no vision, as well as parents and other members of the community whom the Commission deems appropriate.
3. Once developed and approved, the required assessment shall be administered to each child in New York who shall have been diagnosed as legally blind, or severely visually impaired, as that term may be defined by the Legislature or who have been diagnosed as being, or as being at risk of being or becoming, legally blind or severely visually impaired to a degree reasonably likely to delay or inhibit age appropriate development.
4. In order to assure the appropriate implementation of these recommendations, the Department of Health, subject to applicable laws designed to protect privacy and the confidentiality of patient information, should be directed to develop and thereafter maintain policies and procedures designed to assure that every child in New York is screened within the first 6 months following birth for vision related conditions, and every such child who is diagnosed as being, or likely to become legally blind and/or severely visually impaired, or who is at risk of developmental delay or impairment due to such condition or risk, be promptly referred for assessment and services.

### **RESPONSE**

**Recommendations 1, 2 and 3 – Implementation of these recommendations would require authority from the NYS Legislature.**

**Recommendation 4 – As this recommendation pertains to matters under the jurisdiction of the NYS Department of Health, it is recommended that the EB**

reach out to that agency in order to begin discussions relevant to this recommendation.

## **OVERVIEW OF PROGRESS IN IMPLEMENTATING THE RECOMMENDATIONS OF THE BOARD'S 2009 REPORT**

**Recommendation # 1 (Staff Training)** – “Urge continued attention to the importance of sensitivity training for counselors particularly when they are dealing with new clients.”

### **RESPONSE**

CBVH staff continue to participate in appropriate training programs. In 2011, CBVH and contractor agency staff completed a second phase of training in cultural competence. The third phase of training, scheduled to begin in January 2012, will seek to develop strategies and procedures for outreach to the identified underserved populations in their regions.

In May 2011, CBVH co-hosted its annual Vision Rehabilitation and Employment Institute in Albany. Workshops included “Consumers With Criminal Backgrounds,” “Ethics and Social Technology,” “Telephone Interviewing”, and “Work Readiness.” CBVH counselors received training on social networking at their annual training meeting in November 2011. That training was followed immediately by the Employment Summit supported by American Recovery and Reinvestment Act funds. The Summit, attended by CBVH staff and placement contractor staff, focused on the job development process.

**Recommendation #2-** “The Board would also like to know how many blind people will be completing the program and entering the field of O&M/RT.”

### **RESPONSE**

Since fall 2005, the Hunter College Orientation and Mobility and Vision Rehabilitation Therapy (O&M/RT) training program has graduated 32 students. They are currently employed at the Batavia School for the Blind and Visually Impaired, Rochester Public Schools, New York Institute for Special Education, NYC Department of Education Vision Services, Oregon Commission for the Blind, St. Mary’s School for the Deaf, Spring Valley Central School District, Lighthouse International, Helen Keller Services for the Blind, Western Suffolk BOCES, North Dakota Commission for the Blind, Helen Keller National Center, North Carolina Public Schools, Mililani Public Schools (Hawaii), Colorado Commission for the Blind, Carol Center for the Blind, and the Union Free School District Pleasantville. Although Hunter College is prohibited from asking prospective

students to disclose information about disabilities, CBVH is aware of four students who are legally blind that completed their studies during that time period.

Three students enrolled in the 2009 O&M/RT training program and are currently completing internships; one of those students is known to be legally blind. Nine students enrolled in 2010 and are in their second year; one student is known to be legally blind. Eight students enrolled in 2011.

**Recommendation #4** – “Outreach and Public Relations – the Board needs to be kept apprised of the video (to reach targeted groups such as health care professionals, employers and consumers)”

#### **RESPONSE**

CBVH developed a video highlighting its service delivery system and its benefit to employers and potential employers. The video is used by CBVH VR counselors and placement providers when meeting with prospective employers. It is also located on the CBVH website: [www.visionloss.ny.gov](http://www.visionloss.ny.gov).

**Recommendation #5 (services to underserved populations)** – “We thank the CBVH for responding so efficiently to this point and hope and trust that the internal advisory group will seek input from a representation of the Board”

#### **RESPONSE**

The second phase of cultural competence training took place in the Spring of 2011. All CBVH staff participated along with members of the provider partner agencies. Focus groups will form in early 2012 in CBVH District Offices to identify and plan strategies to enhance outreach to underserved individuals in each region. The focus groups will be facilitated by the Technical Assistance and Continuing Education (TACE 2) Center located at the University at Buffalo.

**Recommendation #6** - “The entire technology policy is being reviewed, but a completion date for this review and issuance of proposed revisions has not yet been set. We urge that a date be set immediately.”

#### **RESPONSE**

Due to resource issues, some initiatives had to be deferred to a later date. We anticipate that the revised Assistive Technology Center (ATC) policy will be completed by January 2013.

**#6 continued** – “The Board has been advised that a form was being developed by CBVH that will allow consumers to question equipment recommendations made by ATC

or other providers. The new form will launch no later than January 2012, and possibly earlier. We believe that this should be implemented by the end of the first quarter 2011, at the latest, and that there is no reason for further delay.”

## **RESPONSE**

**The form will be included with the ATC policy when it is implemented.**

**#6 continued** – “It is vital that qualified access technology experts test the state agencies’ sites so that the public can be assured that all information technology used by the State, including websites, are accessible and usable by New Yorkers with a broad range of disabilities”

## **RESPONSE**

**CBVH staff reviewed websites from New York State agencies and are willing to explore alternative website review procedures so that access issues are addressed**

**Recommendation #7** – “The Board anticipates an update from Industries for the Blind of New York (State) on progress being made to implement the Board’s 2009 Report recommendations early in 2011.....Industries remains an important employer of individuals who are blind.”

## **RESPONSE**

**CBVH would encourage the Board to schedule an update from IBNYS**

**Recommendation #8** – “the Board was advised in 2009, that the information currently utilized to plan for and develop services is extrapolated from national census and survey data. While such an approach may yield a rough approximation of the prevalence of vision impairment in New York, it is possible that the demographics of this State’s population may result in the prevalence of vision impairment in New York being higher than that of the nation as a whole. Moreover, the geographic distribution of New York’s blind and visually impaired population is necessary for effective program planning.”

## **RESPONSE**

**CBVH needs to follow the Rehabilitation Services Administration RSA Model Comprehensive Statewide Needs Assessment Guide to conduct the needs assessment. In addition, CBVH will continue to utilize a variety of resources to gather information to address relevant issues and work closely with our State Rehabilitation Council as required by federal regulations. In addition to national census data, CBVH has and will gather information from many sources, including, but not limited to consumer surveys, counselor surveys, contract agency staff surveys, CBVH field management staff, town meetings and open**

**forums, local, state, and national organizations. As always, CBVH welcomes and anticipates input from the Executive Board as a stakeholder in the needs assessment process.**