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MEMORANDUM

To: Members of Vocational Rehabilitation Services for the Blind Interim Study Committee

From: Scott C. LaBarre, President, NFB of Colorado

Date: September 16, 2015

Re: Thoughts and Recommendations on Next Steps for the Interim Committee Chair Danielson and Members:

First, the members of the National Federation of the Blind of Colorado (NFBCO) would like to extend our heart-felt thanks for your willingness to consider the significant issues facing services for the blind in our state. We believe the undertaking of this process will lead to better services for our community and allow Colorado to establish itself as a leader in this field.

We have essentially three areas of recommendation. First, NFB Colorado strongly believes that a separate agency for the blind under Title I of the federal Rehabilitation Act is the ideal structure through which optimum services can be delivered. Therefore, a bill to accomplish exactly that should be on the table for discussion. At the very least, a bill or strong recommendation from this Committee should encourage and direct the Colorado Department of Labor and Employment (CDLE) through the Division of Vocational Rehabilitation (DVR) to establish a separate unit of blindness services within the CDLE/DVR structure.

Second, we highly recommend that this Committee propose legislation that would encourage and fund grants targeting innovation in the areas of employment, youth/transition services, senior services, assistive technology, and health and wellness.

Third, much has been reported on DVR's inability to capture all federal rehabilitation dollars available to it. This Committee should recommend and encourage DVR to work with JBC and CDLE to find all possible ways to maximize the capture of federal dollars both in this fiscal year and those to come.

SEPARATE AGENCY FOR THE BLIND

NFBCO believes that vocational rehabilitation services for the blind delivered through a separate designated state unit for the blind under Title I of the Rehabilitation Act is the ideal structure through which to deliver services. This is so because specification and focus combined with expertise in blindness lead to better results. It is also true that the medical and rehabilitation system treat blindness differently than most other

disabilities. As Dr. Edward Bell testified before you, those with other types of disabilities often receive a great deal of compensatory services through the medical and insurance systems. Thus they come to DVR in a position of greater readiness for placement into employment. With respect to blindness, it has been the vocational rehabilitation (VR) system that has been largely responsible for providing the compensatory skills in the area of adjustment to blindness services.

Long term data demonstrates that separate agencies for the blind outperform general and combined agencies by a significant amount. Previously, we have provided the Mississippi State study to you which examined the most recent data available through 2010. For example, in 2008, separate agencies for the blind placed 82.8 percent of legally blind consumers into competitive employment at time of closure as compared to a 57.4 percent placement rate for general/combined agencies. See Figure 7 at P. 22 of the Mississippi State Study. Granted, it appears that 2008 was a particularly successful year for separate agencies but the rest of the data from other years clearly demonstrate that separate agencies perform markedly better. Attached to the end of this memo is a summary from the Mississippi State Study regarding all categories of employment outcomes, contained at p. 25 of that study.

A general assumption is that providing service to the blind through a separate agency results in higher cost. This does not turn out to be true, however. In 2008, for example, the median cost of services to those served in separate agencies was \$3,527 as compared to \$3,600 for general/combined agencies. See Table 5 of the Mississippi State Study at P. 19.

Additionally, separate agencies serve their clients over a shorter time period which leads to savings of staff resources expended. For example, in 2008, the median number of days from development of the individual plan for employment (IPE) to closure for separate agencies was 511 as compared to 605 days for general/combined agencies. See again Table 5 of the Mississippi State Study at P. 19.

Dr. Bell reported to this Committee that the most recent numbers available for Colorado indicate that closures in 2010 (most recent data available) for blind consumers into competitive employment hover around twenty percent. It is true that Dr. Bell was looking at all cases opened and not just those with an IPE. With respect to legally blind consumers who developed an IPE, placement into competitive employment ends up at forty to fifty percent, far below the average maintained by separate agencies for the blind or even other general agencies nationwide. Dr. Bell also testified that in 2010, approximately fifty percent of the legally blind consumers in Colorado were closed as homemakers. Although this may be an appropriate placement for some, it is hard to imagine that fifty percent of the legally blind seeking services from DVR truly wanted to remain at home as opposed to finding competitive employment.

NFB Colorado understands that some might think we are using this data in an argumentative fashion. However, this data comes from the federal government and can be accessed by all. Each year, every VR agency, whether separate or general/combined, must report to the Rehabilitation Services Administration regarding its cases on something called Form 911. We are using the data from those reports and nothing else.

We also wish to address comments regarding the small number of blind consumers currently with DVR. Presently, the number of consumers of all disability types for DVR is drastically down. This is due to the

two years plus where a giant wait list existed and applicants were being turned away. In the past, there have been in excess of one-thousand consumers who were blind and receiving services from DVR. We expect that these numbers will be achieved again once DVR does the appropriate level of marketing and it is widely known that there is no longer any wait list.

In our view, there is no doubt that services for the blind must improve dramatically in our state. We believe that a separate agency for the blind is the structure which allows for the best possible performance. This agency could be housed in CDLE and therefore share certain services with VR such as accounting, IT, outside vendors, and human resources. This would minimize any duplication. The separate agency would have its own director and therefore be much more accountable to the blind community and other stakeholders.

It is our understanding that CDLE officials may believe that separate services for the blind are warranted but perhaps offered through DVR. In our view, if this were to occur, two very important things must happen. First, the separate unit must have its own identifiable leader who reports to the Executive Director of CDLE. This unit must also have its own, identifiable budget. These reporting and budgetary requirements are essential to insure the highest level of accountability. As the DVR audit demonstrated, accountability has been a critical problem in recent times.

We strongly recommend that this Committee request a bill draft that would establish a separate agency for the blind under Section 102 of the Rehabilitation Act housed in CDLE. This would allow a full discussion of what the best approach for vocational rehabilitation services for the blind in Colorado would be. This does not mean that we are opposed to other approaches. However, we must feel comfortable that identifiable leadership at the senior level and an identifiable budget are present. Through starting with a bill draft establishing a separate agency for the blind, we can ultimately reach the solution best for Colorado.

INNOVATION GRANTS

Our second major area of recommendation is that the Committee, through legislation or otherwise, find funding to fund grants to identify innovative new programs and approaches in the areas of employment, youth transition services, senior services, assistive technology, and health and wellness. We have all heard the reports regarding the fact that it is likely that DVR will be returning millions of federal dollars. Perhaps, we can find ways to match these funds with a small amount of state funds to secure funding for these grants.

This Committee has heard the staggering and completely unacceptable employment numbers. At best, legally blind adults are employed at a rate of thirty-seven percent. This Committee heard about some new approaches like those being offered by the Blind Institute of Technology. There was discussion of finding ways to incentivize large, national corporations to work with the State to place qualified blind individuals in franchises. This kind of creativity could be encouraged and rewarded with relatively small grant programs.

This Committee heard about how critical it is to start providing transition services to blind youth so that they are ready to enter the workforce at the appropriate time. The most recent amendment to the Rehabilitation Act calls upon state VR agencies to dedicate fifteen percent of their funding to transition services. Now is the best time to encourage new and innovate approaches allowing blind youth to be much more job ready and life ready.

The senior blind are the fastest growing segment of the blindness population. As our society lives longer and longer, the number of folks encountering age related blindness steadily increases. Current programs serving the senior blind are effective but cannot meet the demand. There must be a way to identify and secure funding for this important population.

No one can deny the effect of technology on our society. If one is not technically literate to some degree, it is almost impossible to participate in the mainstream of daily life. Blind individuals face significant barriers to participating in the technological revolution. First, there is not sufficient funding to provide access to assistive technology or to have the ability to learn about the technology available. New grants in this area would be extremely helpful.

Second, other than the federal government, state governments are the next largest purchasers of information technology. Colorado already has a law requiring the State to procure information technology which is compatible with the assistive technology used by the blind. However, compliance with this law is spotty. Perhaps, this Committee should call for an audit or study of how well the State is performing in the area of purchasing accessible, information technology. Recommendations could then be made to bring the state in compliance with its own law.

Finally, although the topic of health and wellness was not directly brought up during the Committee's first four meetings, it is becoming a very important issue within our community. The blind face much higher obesity rates and confront other health challenges at higher levels. Little emphasis has been put on the health and wellness of the blind because general low expectations bring with them low expectations about the wellness of the blindness population. Perhaps, there is a way we can find some grant funding to identify the parameters of the problem here in Colorado and then suggest solutions to tackle it.

CAPTURING ALL FEDERAL FUNDING

This Committee has heard a great deal regarding the staggering level of federal funding that is being returned due to DVR's inability to use it. The Committee should know that when states like Colorado return funding, that money is then reallocated to other states. Those states have the ability to apply for additional funding based on how much is returned. We must find a way to position Colorado so that in the future instead of returning millions each year, we apply for additional funding for new programs.

We think this Committee should find a way to issue directives or recommendations to DVR to make all efforts possible to retain its federal dollars. We should invest in new programs that are eligible for federal matching dollars. This Committee should request DVR's plan for the next fiscal year and how it will capture all available federal funds. It is our understanding that even though DVR is not yet housed in CDLE, CDLE is already working with DVR to identify ways in which to capture more federal dollars and not return those already granted. Those efforts should be strongly encouraged and assisted by the General Assembly.

CONCLUSION

Again, we thank the Committee for its efforts and willingness to address the issues raised. We are confident by working together on all levels, we will find a way to bring Colorado from the back of the pack to a state out front leading all the others.

National Federation of the Blind of Colorado

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Consumer Outcomes

Employment Status at Closure

- Separate agencies close a higher percentage of legally blind consumers in employment without supports in integrated settings.
 - FY 2007: 65.3% vs. 52.3%
 - FY 2008: 70.7% vs. 51.0%

- Separate agencies close higher percentages of legally blind consumers in self-employment.
 - FY 2007: 8.4% vs. 3.5%
 - FY 2008: 7.5% vs. 3.6%

- Separate agencies close a lower percentage as homemakers.
 - FY 2007: 20.1% vs. 39.0%
 - FY 2008: 15.9% vs. 40.8%

Patterns/trends. Current findings are consistent with analyses of RSA-911 databases from the 1980s and 1990s indicating that Separate agencies, compared with General/Combined agencies, close a higher percentage of consumers in employment in integrated settings and in self-employment (Cavanaugh & Pierce, 1998; Cavanaugh et al., 2000; NAC, 1997). Earlier analyses of databases from the 1970s showed an opposite trend (Kirchner & Peterson, 1982; JWK, 1981).

Competitive Employment

- Separate agencies close a larger percent of legally blind consumers in competitive employment.
 - FY 2007: 77.5% vs. 60.2%
 - FY 2008: 82.8% vs. 57.4%

- Although differences are small, Separate agencies close a larger percent of VI consumers in competitive employment.
 - FY 2007: 89.1% vs. 87.6%
 - FY 2008: 90.6% vs. 85.1%

Patterns/trends. Current findings are consistent with previous investigations indicating that Separate agencies, compared with General/Combined agencies, close a higher percentage of consumers in competitive employment (Cavanaugh & Pierce, 1998; Cavanaugh et al., 2000; NAC, 1997). Note that the Competitive Employment variable is somewhat different from competitive variables used in previous investigations in that with the current variable, individuals must be compensated at or above the minimum wage.