

**REPORT OF THE EXECUTIVE BOARD
NEW YORK STATE COMMISSION
FOR THE
BLIND AND VISUALLY HANDICAPPED**

December 27, 2010

STATE OF NEW YORK

COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED

EXECUTIVE BOARD

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INTRODUCTION

The Executive Board of the Commission for the Blind and Visually Handicapped (“the Board” or “Board”) was established by Chapter 57 of the Laws of 2007. The Board’s legislative mandate is broad. It covers examination and analysis of services provided to individuals who are legally blind or visually impaired without regard to age, type, or place of service.

The Board is specifically charged with the identification of problems and deficiencies in programs and services and recommendations for their improvement so that they are planned, created, and delivered in a coordinated, effective, and comprehensive manner. Our mandate encompasses examination and analysis of services for all New Yorkers who are blind or visually handicapped from infancy through old age, whether residing in the community or in institutions. To effectively carry out this charge requires that the Board address issues of prevention, detection, intervention, education, rehabilitation, as well as vocational rehabilitation. Importantly, our work is not limited to the Commission for the Blind and Visually Handicapped, which, despite its name, provides services only for New Yorkers who are legally blind. Moreover, since its funding is largely from restricted federal sources, the overwhelming portion of CBVH expenditures are for vocationally oriented activities.

The statutory charge of the Board includes:

- identification of problems and deficiencies in programs and services to blind and visually impaired persons
- recommendations for improvement so that services are planned, created, and delivered in a coordinated, effective, and comprehensive manner
- encouraging the development of new services and programs designed to help people who are blind

Notwithstanding the Board's broad mandate, it operates with no allocation of State resources or a budget. This limitation has significantly hampered its efforts. For example, during the current calendar year, the Board's ability to meet in-person has been effectively subjected to budget office veto.

The work of the Board is carried out by its volunteer members who are reliant upon their own resources to develop the information presented for consideration by the Executive and Legislative Branches of State Government. Thus, the work of the Board, as reflected in its Reports and Resolutions, is truly a labor of personal commitment to the service of New Yorkers facing vision loss. Implementation of the Board's recommendations is vital; our work addresses issues that seriously impact the lives of New Yorkers who are blind and visually impaired.

The Executive Board has, by unanimous consent, adopted a number of Resolutions in furtherance of its statutory mandate and these were sent to appropriate legislators and government officials. Resolutions adopted by the Board include:

1. A Resolution supporting adoption of certification requirements for professionals providing Rehabilitation Teaching and Orientation and Mobility;

2. A Resolution calling upon the State Legislature to require adoption by manufactures of electric powered vehicles sold in New York of audible warning devices;
3. A Resolution calling for a review of New York State policies regarding the acquisition and use of electronic equipment and information technology to assure that such equipment and technologies are accessible to New Yorkers who are legally blind or severely visually impaired;
4. A Resolution supporting the work of the Pedestrian Access to Safe Streets coalition to assure that pedestrian crossings are equipped with appropriate audible signaling devices and calling upon the State Department of Transportation to incorporate consideration of pedestrian safety generally, and the safety of legally blind and deaf blind pedestrians in particular in standards of design for roadways throughout the State.

Especially in these economically challenging times, the Board's mandate requires that we assure that efforts to address the State's pressing fiscal constraints do not result in short-term cuts in services and programs that in the longer term could increase dependency and institutionalization and result in far more costly programs, services, and care.

OVERVIEW

This Report will focus specifically on two important issues. In 2010, an expansion of the Business Enterprise Program created an enormous potential for increasing employment opportunities for New Yorkers who are legally blind. This Report will focus on steps that the State needs to take in the coming year to translate these opportunities into reality.

As documented in our first report, successful vocational rehabilitation and employment requires acquisition of a solid education and developing personal competence, building on the recognition that progress in education must be periodically assessed by grade - specific milestones. The second focus of this report proposes development of age-specific measureable competency goals that blind and severely visually impaired children should be expected to demonstrate through periodic assessments based on objective measures. These milestones are every bit as critical, to the success of blind students as are academic competencies although fragmentation of responsibility for, and funding of, these services between educational and vocational agencies that serve New Yorkers has often resulted in these services either not being provided at all, or sufficiently early in a child's development to properly benefit the child.

Finalized in August 2009, our first Report covered a broad spectrum of issues impacting the effectiveness of services and programs available to blind New Yorkers from infancy to old age. Each section of that Report contained a brief but substantive discussion and recommendations. This Report will conclude with a review of the progress made to date in implementation of these recommendations.

VISION IMPAIRMENT IN NEW YORK

The most current available information on the prevalence of vision impairment in New York was provided in the Board's 2009 Report. As reported in 2009, the leading causes of visual impairment remain diabetic retinopathy, cataracts, glaucoma, and age-related macular degeneration (AMD). Many of these conditions are related to age and/or the onset of illness in adults that are associated with loss of vision as an aspect of the condition. Not surprisingly, therefore, a significant concentration of vision impairment is found in the older adult population: more than two-thirds of visually impaired adults are aged 65 years or older.

Because the older adult population is the fastest-growing age group in our society and in our state, it is estimated that the number of people with visual impairment will continue to increase. Furthermore, as the prevalence and incidence of diabetes and other conditions increases, more people can be expected to be at risk for developing vision impairment due to glaucoma, diabetic retinopathy, as well as other factors such as extremely premature birth.

While the need to marshal resources to address this surge in vision loss faced by New Yorkers is readily apparent, there is general agreement within the Board and the constituents whom Board members represent, that the level of State effort to address the rehabilitation needs of New Yorkers who are legally blind or severely visually impaired is not commensurate with the growing need.

Further delay in tackling the gap between the number of individuals with vision loss and the allocation of state resources to address their successful rehabilitation will consign thousands of New Yorkers to lives of needless hardship and privation rather than renewed self-confidence and increased ability to provide for self care.

BLIND ENTERPRISE PROGRAM: EXPANDING VOCATIONAL OPPORTUNITIES FOR THE BLIND

In 2009, the Executive Board recommended that:

Dialogue should begin and continue with other State agencies throughout the country to determine what might be done to increase BEP opportunities. Many states are reporting that their program participants are generating greater income than New York participants. The factors and methods for achieving that positive outcome should be evaluated and incorporated into New York's program, including enactment of legislation, if necessary, to remove barriers to program participation and expansion. (Emphasis added.)

In 2010, Governor Paterson signed A6420/S3430 into law, legislation that implemented the Board's recommendation. The Executive Board believes that this legislation is the greatest boon to self-employment by the blind in almost 75 years. It will create opportunities throughout our State for blind men and women to operate vending facilities on properties heretofore not covered by law.

The potential expansion of the Blind Enterprise Program is so enormous, that in order To take full advantage of the employment opportunities which have been made available, CBVH, the state agency that oversees the Business Enterprise Program, will have to develop a plan to quickly expand the program by developing access to facilities throughout the State. This will require an aggressive business plan, negotiating multiple contracts with State entities that have not traditionally participated in the program, and that may fear loss of revenue, development of innovative opportunities that go beyond the traditional focus of the program, and an aggressive marketing plan to market the program to agencies and CBVH consumers. All of this must be undertaken at a time when the severe fiscal crisis impacting the State threatens to eviscerate staffing and

funding for such a massive undertaking. In order to maximize the opportunities for self employment created by the new legislation, the Board makes the following recommendations.

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. This goal should be expanded during 2013 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.

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

The process of adjusting to complete or partial loss of vision is neither age-dependent nor tied to a vocational outcome. However, the degree to which services are available to assist a child to adapt to loss of vision from a very early age is critical to gaining skills that are essential to adapting to living and learning with limited or no vision. With this in mind the Executive Board makes the following recommendations:

RECOMMENDATIONS

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 specialist 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.

DISCUSSION

Acquisition of information critical to learning, such as reading, is one of the major life activities that is most affected by vision loss. Because visual acquisition of information about the environment is so integral to learning and communication, learning to overcome barriers to acquisition of information created by loss of vision must be a critical goal in the habilitation and education of children who are or may be at risk of legal blindness and severe vision loss. Other activities that are commonly affected by low vision include:

- Self-care (e.g., grooming and health care)
- Functional mobility, including navigating the school environment, getting to and from the school bus stop, and navigating to community resources essential to learning, such as the library
- Strategies to assist in recognizing others using limited vision or non-visual cues
- Setting an alarm and waking up without being prompted
- Getting dressed independently (picking out appropriately matched clothing, taking into account typical age appropriate eccentricities)
- Basic meal preparation
- Organizing personal effects and paperwork and information

- Developing effective means to record information

Just as the nation and the state have recognized that it is crucial to establish objective benchmarks for assessing progress in their academic education, development of criteria that objectively measures attainment by children with severe to total vision impairment of important life skills is critical to an objective determination of the progress that each legally blind or visually impaired child is making towards maturing as a capable and competent individual. Objective criteria tracking development of children who are legally blind and/or severely visually impaired should consider, with room for individual factors, development of a range of competencies. In addition to the factors listed above, assessment criteria should consider the following:

- Self-confidence (taking age into account)
- Development of age-appropriate social competencies such as the ability to carry on a socially appropriate conversation that focuses on a mutual exchange of interests and ideas
- Cultural/social awareness (i.e., basic knowledge of sports, current movies, music, etc.)
- The ability to navigate independently

These recommendations by the Board are consistent with the need to make certain that every blind or visually impaired child in this State is provided with appropriate skills to become as self-sufficient and independent as possible.

OVERVIEW OF PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS OF THE BOARD'S 2009 REPORT

The Executive Board recognizes and applauds the efforts of the New York State Commission for the Blind and Visually Handicapped (CBVH) to affect many of the changes recommended in our 2009 Report. Most of these require modification to programs and policies and are continuing works in progress. The Board understands that a certain amount of time is required to put new concepts into practice but continues to urge CBVH to continue to do so with all deliberate speed.

The activities reported below reflect input received from CBVH through 2010 in steps that the Commission has taken to implement the recommendations contained in the Board's 2009 Report.

SUMMARY OF BOARD RECOMMENDATION #1

Staff development counselors should receive training in specific counseling techniques from the Technical Assistance and Continuing Education (TACE) group out of SUNY Buffalo. This group is the designated RSA training resource in Federal Region Two.

Board Response to CBVH Efforts: The Executive Board appreciates that counselors and other staff who interact with clients are given some training in the specialized fields surrounding blindness and vision loss. The Board would like to commend CBVH for working toward meeting this need and urges continued attention to the importance of sensitivity training for counselors particularly when they are dealing with new clients.

SUMMARY OF RECOMMENDATION #2

Stipends be offered to prospective professionals wishing to earn degrees in working to provide rehabilitation to people who are legally blind.

Board Response: CBVH tells us that Hunter College of SUNY receives funds from the RSA and the Lavelle Fund for the Blind to conduct a Master's Degree program in Rehabilitation Teaching/Orientation and Mobility. The amount of funding available dictates the amount (if any) of stipends available to students. Tuition support is available to qualified students. Hunter Commission used stimulus funds to create a video re the Vision Rehabilitation and TVI programs at Hunter College. They also supported an upstate recruitment effort. As of December, there were fourteen enrollees, five of whom are from upstate New York. All are enrolled in a dual certification program in O&M and VRT. All VRT and O&M students will have a mentor who is certified in their declared area of practice. In addition, they get three weeks of on site work in each of two summers, at the Helen Keller International Center for Deaf/Blind Youth and Adults for the downstate students and the Central Association for the Blind in Utica for those from upstate. These are good initiatives. It will be interesting, when the students entering these programs begin working in the field, whether, and to what extent, a distance learning model will work, but it is clear that something needs to change in order to attract students and the idea is creative. The Board would also like to know how many blind people will be completing the program and as entering the field of O&M and RT.

SUMMARY OF BOARD RECOMMENDATION #4

Outreach and Public Relations. CBVH has allocated \$100,000 of stimulus funds to implement their outreach plan. They are creating a video to reach targeted groups such as health care professionals, employers and consumers. The Board was advised by CBVH that the firm with which CBVH had initially been working on the outreach campaign elected not to renew their state contract. The Commission has therefore worked through the Women and Minority-Owned Businesses program to contract with a Buffalo-based firm, the Sassy Design Group. According to CBVH, use of Women and/or Minority owned Business Enterprise contracting provisions enabled CBVH to use their entire \$100,000 allocation without going out to bid. CBVH reports that the contract is within days of being executed. The Commission will seek Board input and feedback as products such as videos are developed.

Board Response: The Executive Board supports these initiatives and hopes that in the coming year this outreach and advertising to the above mentioned groups and the general population about the need for professionals in the field might expand the need for more degree programs around the State. While this might not be within the CBVH's normal purview, the Commission seems to be the logical agency to promulgate the existence within the State of the blindness and visual impairment field and has enthusiastically stepped up to the plate. However, the Board needs to be kept apprised as to the status of the video. The Board would also appreciate an opportunity to provide input on the video before it is finalized.

SUMMARY OF BOARD RECOMMENDATION #5

The recommendation was made that CBVH strengthen its ability to address the multi-cultural and social diversity of its client base. OCFS announced an initiative in this area some two years ago, and the Board has been advised that CBVH was the first agency within the Office to create and implement the trainings. Initial sessions were held downstate in late spring and in Albany near the end of June 2010. The events were extremely well attended both by staff from CBVH and from the contract agencies. Ms. Christina Curry of the Board lent support and input to the trainings, which was greatly appreciated.

Round 2 of these trainings began in fall 2010. The objective is to hold region-specific sessions, in order to bring focus to the diverse population groups within each geographic area. CBVH has appointed an advisory group from within its ranks to work with the training provider. Sessions are scheduled to launch no later than spring, 2011.

CBVH has also advised the Board that the agency contracts with “Language Line Service” so that if an individual comes to a CBVH office without English proficiency, staff can call an interpreter, and the problem is solved on the spot.

Board Response: 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 representative of the Board.

SUMMARY OF BOARD RECOMMENDATION #6

The training database recommended by the Board's Tech Committee in the Year One Report is currently being finalized. Its purpose is to allow consumers, counselors, and providers to have access to as complete a list of tech training resources as possible within the State.

The database is set up, and data entry is expected to be complete by end of December 2010. Plans are underway to reconstitute the Assistive Technology Centers. The RFP will be released within the first six months of 2011.

CBVH has changed its policy, as per board recommendation, so that adults working for their GED's will be able to request equipment as is already the case with high school students. 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.

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. The Board hopes that it will be consulted prior to the completion and distribution of the appeals procedure and form..

Regarding state agency Web accessibility, CBVH has asked a staff member who is blind and a competent user of assistive tech to review agency sites, which she has done using both JAWS and Window-Eyes. The primary problems she is seeing relate to

tagging and labeling. She has found much of the information inaccessible. She has actually attempted to fill out forms. She has been successful in doing this, except that there are some PDF forms that she needed to convert to Word, in order to input her data. Also, she has not explored the sites using screen magnification software. CBVH doesn't feel that they have anyone with the time to do this task, and they believe that they were not asked to do this in the Board Report.

Board Response: The concerns voiced in the technology part of the Report have been addressed and are in the process of being implemented. However, with a renewed stress on web accessibility as a component of revised regulations implementing the Americans with Disabilities Act, 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.

In 2010, the Board adopted a Resolution calling for a comprehensive review of State policies concerning the accessibility of electronic equipment, software and information acquired, used maintained and operated by the State. Implementation of the Resolution remains a critical aspect of assuring that New Yorkers with significant vision impairments can freely access all aspects of information technology utilized by the State. We believe that this is integral to the mission of CBVH and essential for the state to be in compliance with the requirements of ADA.

A comprehensive evaluation of New York's compliance with legal accessibility requirements is not only necessary to assure that the State complies with legal

requirements such an evaluation is critical to assuring that otherwise qualified New Yorkers are not excluded from employment with State government and its political subdivisions, or from otherwise fully benefiting from State and local services do to inaccessible information technology.

SUMMARY OF BOARD RECOMMENDATION #7

Industries for the Blind Programming – Last year, CBVH re-designated Industries for the Blind of NYS (IBNYS) as their agent for blind-made products per the NYS Preferred-Source Law. In recent months, CBVH has worked cooperatively with IBNYS in revising their strategic plan, establishing an IBNYS Affiliate appeals process, and creating a development and distribution/assignment of production policy. The IBNYS Board met in September. The above have been adopted and implementation is beginning. The Commission states that it is supporting these efforts. Meetings have been held with the Office of General Services to request their assistance in enforcing the preferred source law across state agencies.

Board Response: We appreciate the fact that the CBVH is taking steps in this area, but would like more frequent updates — much as we are given on the progress of the steps being taken in technology. The Board requested that a representative of Industries for the Blind of New York provide it with an update during the Board's December 8, 2010 meeting. However, due to scheduling difficulties, including those encountered by the Board in securing funding for that meeting, it was not possible to finalize arrangements for that presentation. The Board anticipates an update from

Industries for the Blind of New York on progress being made to implement the Board's 2009 Report recommendations early in 2011. Although the expansion of the BEP program, discussed above, provides a significant opportunity for gainful employment, Industries remains an important employer of individuals who are blind.

SUMMARY OF BOARD RECOMMENDATION #8

With reference to the Board's assertion that new needs assessment tools are needed before the long pending needs assessment can be finalized, CBVH tells us that the Rehabilitation Services Administration (RSA) recently issued a model for the Statewide Needs Assessment. CBVH is in the process of drafting this needs assessment and will be seeking input from the Executive Board as this project proceeds. The Board will also have the opportunity to provide input once the draft is completed.

Board Response: We look forward to being a part of that process. More importantly, it is critical that New York State begin to develop state-generated data on the prevalence of vision related problems within the State's population so that decisions regarding the development and funding of services to this population can be determined with reference to New York State specific data. 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.

CONCLUSION

New York is facing unprecedented budgetary and long term fiscal problems. The outmigration of business, industry and with it, many working-age New Yorkers, has placed New York in a position of having to address the need to serve a potentially burgeoning population of New Yorkers with vision impairments with shrinking resources. Tackling this challenge in the coming years will require an aggressively, creative use of available resources; a realignment of resources may also be necessary to free up additional dollars for the provision of direct services. Allocation of additional resources notwithstanding the pressing need for austerity may also become necessary. The Board, therefore, must alert the Executive and Legislative Branches to the need to consider providing increased funding to address the growing problem of vision loss in the senior population. These New Yorkers have contributed much to this State, and during their time of need should not be denied or restricted in the rehabilitation services made available to them.

The Executive Board appreciates the efforts made by CBVH. Change is happening, particularly within the area of technology services, but we hope that, given the advent of electronic communication that enable us to communicate with greater ease and frequency than ever before, modifications to practice and policy can be put into place more quickly to better address the needs of New York's blind and visually impaired citizens.