

N.J. Commission for the Blind & Visually Impaired (CBVI)  
**State Rehabilitation Council (SRC)**

Meeting Minutes – December 6, 2019  
Joseph Kohn Training Center - 130 Livingston Avenue - New Brunswick, NJ

**Voting Members Present:** Jennifer Armstrong-Ekelmann, Ida Behreini, Alice Eaddy, Bill Freeman, Jonathan Goodman, Susan Head, Clarke King, Pat McKenna, William Robinson, Kathleen Spata, Evangelia Stone

**Present (pending appointment):** Vito DeSantis

**Absent:** Pamela Aasen, Gary Altman, Rick Fox, Kris Tucker

**Ex Officio Present:** Bernice Davis, Amanda Gerson, Danielle Licari-Scorzelli

**Staff/Members of Public Present:** Paulette Knarr (for John Tkacz)

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The meeting was called to order at 9:30 a.m. by Evangelia Stone, Vice-Chairperson. Evangelia announced that this meeting was being held in compliance with Section 105 of the Federal Rehabilitation Act 1973, as amended; also in compliance with the New Jersey Open Public Meeting Act, N.J.S.A. 10:4-6.

**Approval of Meeting Minutes**

The meeting minutes of October 4, 2019, were reviewed. There were no amendments, corrections, or additions recommended. On a motion made by Jonathan Goodman, and seconded by Kathleen Spata, all were in favor of approving these minutes. The October 4, 2019 meeting minutes will be put into the permanent record of the SRC.

**Approval of 2020 Meeting Dates:** February 7, April 3, June 5, October 2, and December 4  
Alice Eaddy and Bill Freeman both made motions to approve these meeting dates; all were in favor.

**Client Assistance Program (CAP):** Susan Head provided an overview of this Program. Disability Rights NJ (DRNJ) is New Jersey's designated protection and advocacy agency; Executive Director, Gwen Orłowski, started in January, 2019; her background is in legal services. Susan explained that there is at least one protection and advocacy agency in every state in the country. The protection and advocacy system is part of a nation-wide network of congressionally mandated and legally based disability rights agencies. Under federal law, protection and advocacy agencies have the authority to provide legal representation and advocacy services to people with disabilities. In some states the CAP operates outside of the protection and advocacy agency, but in NJ the CAP is within the protection and advocacy

agency. CAP is federally funded by the Rehabilitation Services Administration, who also funds the state Vocational Rehabilitation (VR) agencies. Congress designed it that way, so CAP would be a resource to individuals seeking VR services and may need assistance. DRNJ recognizes they are not the VR providers or VR experts; that expertise belongs to the VR agencies and VR staff, but they are experts in the laws/regulations that govern the provision of VR services. Susan noted that most of the time when a CAP case is opened, a fine agreement is negotiated with the VR agency; most of the time a mutually agreeable compromise is made; that is always the goal. The CAP role is to inform and advise applicants of the VR program, about the range of services available under the Rehabilitation Act. CAP looks at the state and federal regulations to evaluate whether or not a client's request has merit or not. Susan gave some examples of cases and explained the process. CAP will open cases to take a look at the complaint; the individual will be assigned an advocate; an attorney at times. They contact the VR counselor, and may get a completely different set of facts. Documentation may be requested; i.e. case notes, Individualized Plan for Employment (IPE), in the case of a dispute, trying to understand why the VR agency has made the decision they've made or has taken the stance they've made. Based on the facts, CAP may agree with the VR agency, or at other times they may request that the agency take another look at this. Most often a meeting will occur, and an agreement will be reached. In rare cases, CAP will look at the regulations and interpret them slightly different to the VR agency; in that case may go to appeal with the client. This would initially be an administrative review, which would be a formal, non-legal meeting with the agency staff and again, often at that level of a meeting new facts may arise, or CAP may agree with the VR agency. If there is no agreement, a fair hearing may be necessary. In the nearly 12 years Susan has worked at DRNJ, she noted there have only been 2 fair hearings. CAPs goal is to work with the client and VR agency to try and reach a mutually acceptable agreement. Ultimately, their role is to provide due process to clients and applicants seeking VR services. Susan answered a few questions raised. Evangelia thanked Susan for her thorough presentation.

**Dr. Bernice Davis – Executive Director's Report:**

Bernice noted that the SRC annual report is due by the end of the month. She thanked the members who volunteered to facilitate in getting stories and editing the report.

The Comprehensive Statewide Needs Assessment (CSNA): The Institute for Community Inclusion (ICI), University of Massachusetts Boston, has been enlisted again to help CBVI with this task. Bernice pointed out that Amanda has done a great job with the Assessment. In partnering with the National Federation of the Blind, Amanda was able to do some surveys of attendees at their recent conference. The surveys went over very well and consumers were pleased to be asked for their input on how CBVI can improve VR services; also focused on VR services for consumers who are deaf blind. Bernice noted she was pleased that a different approach was taken this time. Instead of a huge town hall meeting, where some people feel comfortable speaking and some don't, it was localized it and made it a little more intimate; people seemed to like that. ICI is also going to help enlist stakeholders in the larger community; kick-off next week.

Working on the Corrective Action Plan (CAP) for the Rehabilitation Services Administration (RSA), from the federal audit that took place last year. Although the audit went very well, also heard ways to improve. Fiscal's internal controls is one area. There are a lot of procedures and processes that Fiscal handles very well, but are not documented. The Commission recently added a legal regulatory officer to the staff, to help with internal controls; actually putting Fiscal processes in writing and policy. Right now Fiscal follows the state policy; just need to localize the policy at the Agency level. The new legal regulatory officer will also help look at CBVI's Business Enterprise Unit, in terms of policy/procedure; that's another area we want to update. He's also becoming quite familiar with Randolph Sheppard.

Joseph Kohn Training Center (JKTC) Assessment: ICI began an assessment of the JKTC program a few weeks ago; going very well. They spoke to the front-line staff, as well as administrative staff. They will be speaking to VR counselors as well; taking a cross section of counselors who routinely refer consumers to the training center, as well as counselors who do not, to get an idea of some of those reasons. There may be some things we could improve on in regard to the referral process. ICI also assisted with a preliminary strategic plan for improvement. Bernice noted that the VR services and data improvements discussed at a previous SRC meeting are being addressed. ICI will return early next year to assist in facilitating the strategic plan. ICI was very happy to see that we have had training for JKTC staff on servicing deaf blind consumers in a more enhanced way. Historically, CBVI has utilized Helen Keller's program for deaf blind consumers. We certainly have seen a need to enhance our training for consumers who want to come to JKTC, rather than travel to Helen Keller. Looking forward to moving ahead with more training for agency staff.

Bernice noted the possibility of RSA announcing changes to the Workforce Innovation & Opportunity Act (WIOA) regulations with regard to the definition of competitive, integrated employment; this is expected sometime in March, 2020. Reportedly, there are stakeholders who feel workshops are segregated, and that employment should be an individual choice. There's also some that say workshops aren't a viable/real choice. Vito pointed out this is the choice that Wagner-O'Day agencies have traditionally argued. This is a good opportunity for people with disabilities, not just individuals who are blind. Competitive, salary/benefit wise, is it comparable to anyone else doing that job outside of that organization. Integrated, means that predominantly they are not working with a majority of people having a disability. In fact, it goes beyond that, meaning just working in a normal community environment at a competitive wage as compared to the benefits for that job. The argument is based around the word "integrated". The law also requires they can have a sheltered workshop or a community employment opportunity if 75% of those individuals employed have a disability; clearly that's not integrated. Some argue that the question is whether it's a good job vs. integrated. National Industries for the Blind (NIB) pay at least minimum wage or better, with a career ladder, and benefits, yet that's not integrated; 75% of the people working at NIB organizations are people with disabilities. In addition, those organizations get anywhere upwards of 10, 11% above the actual cost of the contract to administer the program for people with disabilities. There is a competitive advantage to have that. 14C – a lot of organizations are going away from that; it

requires a lot of administrative requirements for the community provider, to go back to the VR agency every year and say, we need to reopen and relook at whether or not this is an appropriate employment opportunity. That will probably cause a lot of salaries to go up, which is a good thing, but it's still not integrated. Vito noted there's a lot of argument nationally over this issue, and it will be interesting to see what RSA comes up with. It affects mostly people with intellectual, developmental disabilities. Really is a choice of whether or not you can discriminate against people with disabilities in that type of environment, or is there another option. The options are: competitive integrated employment, stay at home, work with the community provider.

Blind managers of the Business Enterprise Program (BEP) have reported concerns regarding the minimum wage increase; entrepreneurs are not sure they will be able to keep all their employees.

The Department of Human Services (DHS) held a budget listening session a few days ago. The session was well attended, and went very well. Bernice noted there were a couple of testimonies that referenced CBVI, one of which was an idea from advocates for deaf blind services, of redistributing some of CBVI's staff, as well as some of CBVI's budget, to the Division of Deaf & Hard of Hearing. Bernice pointed out that CBVI currently serves deaf blind, as well as visually impaired people. Considering CBVI is a combination of State and Federal money, and has to be matched, don't know how realistic this proposal is. There was also a proposal to combine the Support Service Providers (SSP) Program with the Personal Assistance Service Program (PASP). The SSP program currently covers support for Independent Living, as well as vocational supportive services; up to 16 hours per month for any given deaf blind consumer. The PASP is up to 40 hours; personal care is also included; much more involved. Kathleen, who coordinates the SSP program for the State, noted that although there are some similarities, there are complex differences contrasting the two programs, and each is organized and run through different agencies. The SSP program is basically packaged for the consumers, while still respecting their rights, choices, and decisions. With the PASP the consumers are managing it themselves; recruiting their own personal assistants; facilitating payments. The SSP program is funded mostly with federal funds; however, when available, some State II. funds are used as well. It's amazing when consumers qualify for both and can use in tandem to cover the whole array of services. However, the PASP has different requirements; some consumers do qualify for both, while others do not. Age limit for PASP is 70; no age limitation with SSP if you are linked to CBVI. Amanda noted a big difference in PASP vs. SSP is that in order to qualify for PASP you must be in post-secondary training, you must be volunteering, or actively employed. Kathy noted she'd be interested in hearing more about this. Bernice commented that because the SSP program is very individualized, there are some consumers who would like to utilize more than 16 hours and then you have other consumers that do not utilize close to that. She noted that Amanda and TCNJ are taking a look at how to possibly redistribute, when necessary, to actually have a process where we can more readily meet the varying needs. Amanda noted that she has started communication with the counselors to make sure they are more intentionally speaking with consumers who use SSP,

about how they are utilizing it to maximize its use, as well as for those that are eligible also applying for PASP, so they can use PASP when that's most appropriate and SSP when that is most appropriate. Will also look at who's not using services or under-utilizing the full allotment. There are also those who are consistently getting into that top level or sometimes going over and requesting an emergency re-allotment, which we have a provision for. Amanda noted that we're in the last year of the 3-year contract; this is the perfect opportunity to assess and make programmatic changes. The goal is to improve/maximize the use of the program. Bernice thanked Vito for attending the budget session and encouraging DHS to maintain CBVI's budget; not to reduce it in any way. He highlighted the WIOA demands, and the need to keep the agency separate in order to readily meet the unique needs of consumers of blind/visually impaired across the state.

**Amanda Gerson, Vocational Rehabilitation Update:**

Amanda reviewed the 5 primary areas outlined in the 2018 Rehabilitation Services Administration (RSA) monitoring report.

1. Timeliness of service: we did not meet the requirement threshold of eligibility determination – which is within 60 days. Already started implementing Internal Controls (IC) and Quality Assurance (QA) activities to stay on top of this.
2. Supporting documentation for closure: they found that for a percentage of our closures there was not the necessary documentation to support competitive integrated employment; employment and wage verification; documentation that our counselors went out and talked to the consumer and they were good/stable with their job. It's something we believe was happening, just not documented. We started working on this; providing training; created a form; working on those IC and QA activities to ensure that's being done prior to closure.
3. Transition services – signing of Memorandum of Agreement (MOA) with Division of Vocational Rehabilitation Services (DVRS) and Department of Education (DOE). Waiting on final signatures; everyone is in agreement; we anticipate it being signed shortly. They had a few recommendations for adding minimal language into the transition policy regarding order of selection, clarifying the section on auxiliary agent services, plan development, coordination activities, and the minimum aid for VR services. Waiting to make some of those changes because of some flexibilities we anticipate being announced in the near future.
4. Internal controls, cost reporting, and cost allocation: making sure we have (in writing) the processes and protocols. RSA recognizes that a lot of agencies have their processes, but don't always write them down. The problem is that when someone leaves/goes out, some of the processes get lost; so we're working on that.
5. The Joint Workforce: This was new information to us when we started the monitoring process; we were not aware that we were still required to sign onto the MOA and infrastructure funding agreements with the local workforce areas (the One-Stops), despite the fact that we were not co-located. This is something we are going to need to move forward with; working with our partners in Labor to become a part of those.

Amanda noted that CBVI's monitoring report and Corrective Action Plan (CAP) is now on RSA's website. She will share the link with the Council members.

Update on Summer Programs: As previously noted, an Open-House was held in September to increase recruitment for the College Prep & Work Skills Prep programs. Will review applications next week; numbers are looking good to be able to hold all anticipated sections of the program. Will most likely do additional recruitment to ensure we have a waiting list, particularly for Work Skills Prep; it's not uncommon to lose a few students at the last minute due to family or medical emergencies. Open-House for recruitment will be held on January 11 for the Life 101 program (snow date is February 1); flyer to be distributed to those referred for this program.

Comprehensive Statewide Needs Assessment (CSNA) Update: Amanda held 4 focus group sessions at a recent NFB conference, presenting a brief overview of the Commission's assistive technology services, as well as co-paneling on the rights and responsibilities in the VR and CAP processes. One focus group was for general adult VR and one was for deaf blind. She received a lot of great, constructive feedback from those that were there; amazing turnout for the VR session, 30-40 people. Planning 6 additional focus groups for consumers statewide; two of which will specifically be around deaf blind services, one for oral communicators, and one for sign language communicators, and one to make sure everyone has the best access. Working on finalizing a CSNA plan on what our activities are, who's going to be involved in it, and the timeline for doing so. Amanda provided a quick overview on what needs to go into a CSNA – need to update national and local population and demographic data; disability, race, etc. Also analyze our outcome service data for individuals who receive services. We customarily do a consumer satisfaction survey, as well as a survey to agency staff in order to get feedback on those who are providing front-line services. Also do a number of surveys, focus groups, informative interviews with various stakeholders, which includes consumer groups, community rehab providers, the SRC, workforce partners, and business. There is an option of what other specialized focuses you want to look into. Deaf blind services will be one: youth and transition services. The JKTC needs assessment and strategic plan will be incorporated as an activity, as well as supported employment services. If anyone on the SRC is interested, Amanda offered to send out the guide from RSA on what goes into a CSNA.

Although RSA recently announced some flexibility on regulations regarding prior approval of expenditures, unfortunately, it was not around the areas that impact BENJ. However, the ability to streamline approval is still in effect. Capital improvements and renovations still need to be submitted individually; that slows things down a bit. What they did relax on was for services directly for consumers, subject to prior approval; for us that threshold is \$5000 dollars. The only thing that applies for us is braille note-takers and the rare embosser that we approve. Makes our life a little easier, but not a great impact. Amanda noted that the flexibility she is anxiously awaiting is around Pre-Employment Transition Services (Pre-ETS). Word is, they are going to potentially relax the rules so that services required for a

student to participate in one of the 5 allowable categories; i.e. transportation, equipment, room/board for summer programs, those would be an allowable Pre-ETS expense. This has been talked about informally; the entire country has been advocating for this.

Performance numbers for Federal Fiscal Year (FFY) 2019:

150 successful competitive integrated employment closures. Of those, average weekly earnings was \$618.00. Average number of hours worked is 31.58. Average hourly wage is \$19.31. Amanda commented that while she thinks the total number of closures could be higher, she likes the other stats. They indicate that while the quantity is not very high, quality is at a respectable level; at or close to full-time employment.

Vito asked what the state average hourly wage is. Amanda noted \$28 per hour; so we're at about two thirds. Amanda noted this is still reported at the State level, but not the Federal level. Both agreed it might be worthwhile to look at what it was and make a comparison; This will be reviewed at the next SRC meeting.

Old/New Business:

Vito introduced himself to the members of the Council. Vito is a former CBVI Executive Director. He was with the Agency for nearly 30 years: 12 of those years as the Executive Director. If approved by the Governor, the position on the SRC he will be filling is to look at broader issues of disabilities, other than specifically just blindness. Since retiring from State service 6.5yrs ago, Vito has been working with the Institute for Community Inclusion (ICI), University of Massachusetts, Boston, providing technical assistance on issues related to VR and the implementation of the Workforce Innovation Opportunity Act (WIOA) around the country. He also provides specific VR related technical assistance to states on projects. Vito noted that he has been working with ICI part-time, and wanted to assure the SRC members that in no way is he involved, either by activity or monetarily, with anything ICI has done/will do in the future with CBVI. He explained that he has provided technical assistance with DVRS under the Workforce Innovation Technical Assistance Center program (WINTAC), but nothing with CBVI. He noted he has a broader perspective of looking at agencies around the country, having access to an array of information through WINTAC, ICI, which does impact specifically on the VR system. His hope is to be able to provide that type of information and hope that the SRC will take advantage of that. Evangelia thanked Vito for his participation on the SRC.

Evangelia recognized that this is Danielle Licari's last meeting, as her term is up. She thanked Danielle for serving on the SRC, and noted that her support has been greatly and deeply appreciated. Amanda pointed out that Danielle holds the highest attendance record for the 6 years she has been on the SRC, and thanked her for her contributions to the Council. Amanda noted she is working to finalize a replacement; hopefully before the next meeting.

Bill Freeman commented on a national summit he attended earlier in the week, with the National Technical Assistance Center on Transition ([www.transitionta.org](http://www.transitionta.org)). Groups of state agencies around the country were invited to come together to talk about ways to improve

participation of students with disabilities into career and technical education. The partnering agencies invited were from VR, Special Ed., and career and technical education. There was someone from DVRS; however, no one from CBVI. Bill noted that having a CBVI representative involved in this initiative would be beneficial; it's something that has been a long-standing issue; children with disabilities are not participating proportionately in career and technical education. Bernice commented that CBVI would look forward to it.

William Robinson provided an update on Business Enterprise/Randolph Sheppard.

- A mini Business Leadership And Superior Training (BLAST) was held in September; interesting speakers, as well as a lot of new technology; as always, went over rules/regulations.
- Usually go to Washington DC twice a year, to see congressmen and senators to talk about the program and make sure we continue to have their support, as the program is often under attack from different directions. Will be there Feb 10; then back in either April or May.
- Also have 2020 BLAST coming up; this year it will be in Chicago, April 14-17; always a host of excellent speakers; breakout sessions on social security, marketing, learning proper function of an IPAD. Great to be part of BLAST; it benefits our entrepreneurs. Last full BLAST was in San Antonio in November last year; somewhere 600-700 blind entrepreneurs from around the country.

Vito asked if there was any update on the federal rest stop issues. William noted that right now there is no immediate threat. He explained that last year the idea to commercialize rest-stops was attached to an infrastructure bill. Business Enterprise managed to fight back; the idea was thwarted for now.

With regard to BENJ, Bernice commented that she, Deputy Commissioner Neira, and Deacon, have a teleconference with 3 different states regarding their procurement and bidding processes in setting up micro-markets. Although NJ has its own procurement process, every state does it different; trying to get a handle on best practices; what has worked and what approaches we need to modify in order to streamline our process in creating more micro-markets in the future.

#### **Sub Committees:**

SRC Annual Report: Amanda reported she is working with the counselors and staff to complete the success story section; getting some of the referrals was difficult. She noted she could use the assistance of one of the SRC members to complete the editing phase. Ida volunteered.

Amanda thanked her, and said she would contact her next week regarding the review process.

Policies & Procedures: Pat had nothing new to report. Amanda commented that she will have an updated transition policy soon for review. Also, an updated college handbook will need to be reviewed in a few months. 10:95 should be finished in January. There may be some documents regarding the Corrective Action Plan to be reviewed also.

Business Relations & Resources: Danielle noted that CBVI organized the Shop Rite gift card program again this year. Each year a number of clients are selected to receive a gift card during the holiday season; nice time of year to do this for those in need. Vito asked if this would be a venue to perhaps have a business engagement opportunity with Shop Rite. Amanda explained that we've had some luck in the Cherry Hill area in this regard; the Business Relations Unit does quarterly disability mentoring days there, and 5 or 6 consumers have gotten jobs in that particular chain. Jonathan commented that this sub-committee has talked about reaching out to other agencies to introduce services. Danielle noted that membership on this sub-committee has dwindled.

Amanda reported that CBVI is going to enlist ICI to complete an assessment of the Business Relations Unit sometime next year.

To the point where it won't interfere with what ICI is doing, Vito offered, if he could be of service on business engagement to let him know. Jonathan thanked Vito, commenting they could definitely use the help.

Amanda commented on a conversation she plans to have with Rick and Evangelia, and then with the general Council, on the direction of the sub-committees for the coming year. When first established, the original intention was for the sub-committees to help the SRC members be more actively involved, take more initiative. In some areas this worked. A discussion on how we want to see the Council utilized and involved needs to take place. The role of the Council is to advise and help guide from their perspectives. Want to make it meaningful for both entities.

### Adjournment

Evangelia thanked everyone for attending today's meeting, and for their active participation. She wished everyone a wonderful holiday season and a happy new year.

Jonathan Goodman made a motion to adjourn the meeting; this motion was seconded by Susan Head; all were in favor. The meeting was adjourned at 12:00 p.m.

The next SRC meeting is scheduled for February 7, 2020.

Respectfully Submitted,



Christine Cooper  
CBVI - Administrative Assistant