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(KABVI)**

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TO: House Health and Human Services Committee

FROM: Michael Byington, President of KABVI and Registered Kansas Lobbyist

SUBJECT: support for House Bill 2388

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On January 14, 2004, KABVI submitted comments to this Committee concerning a drafting error in this Bill. With that information, some comments were provided which might be considered testimony in favor of the Bill. At the end of this correspondence, I will provide again for your convenience, information on the drafting error which was called to your attention and which will need a small technical correction. I believe the Revisor's office has already drafted the needed correction. The principle purpose of this correspondence, however, is to discuss the merits of the Bill and the changes it proposes.

First of all, I will tell you a little bit about KABVI and why we are uniquely qualified to discuss this Legislation. KABVI is the largest all-volunteer advocacy organization of and for the blind and visually impaired in Kansas. Our organization was founded in 1920. We were the principle lobbying organization in getting the first designation of a blind services entity in Kansas, and this legislation went through the Kansas Legislature in the 1930s. Over the past 84 years, we have remained active in keeping the Kansas Legislature informed as to what are best practices in serving people who are blind and visually impaired.

In 1999, the Kansas Department of Social and Rehabilitation Services (SRS) proposed to completely do away with the Kansas Division of Services for the Blind, the Kansas Rehabilitation Center for the Blind, all opportunities for truly comprehensive training for newly blinded and visually impaired Kansans, and Kansas Industries for the Blind. At KABVI's urging, the Legislature added to the Omnibus bill language which required continuation and retention of the Kansas Rehabilitation Center for the Blind. KABVI had to file a lawsuit to get SRS to take this legislation seriously, but the result was that a state-of-the-art training facility for newly blinded Kansans was retained. We appreciate the Kansas Legislature's help with this very much. Subsequent to December of 2000, however, SRS has

subsumed many of the programs which used to be supervised by Kansas Services for the Blind and Visually Impaired, and which were not protected by the Omnibus legislation which saved the Kansas Rehabilitation Center for the Blind. Kansas Services for the Blind and Visually impaired is what is left of the old Kansas Division of Services for the Blind, and is under the SRS umbrella. SRS has by now placed many programs which used to be under the Kansas Services for the Blind and Visually Impaired programs under generic supervision. Some such programming has been done away with all together.

The result now is that Kansas has an excellent training facility for newly blind and newly visually impaired Kansans. This facility has been well used subsequent to the improvements which have been made in this program, but we are currently seeing the blind services field program, which is important in finding newly blinded Kansans and getting them to this facility, disintegrating steadily.

In December of 2000, the rehabilitation teachers for the blind were removed from the supervision of Kansas Services for the Blind and Visually Impaired, and placed under the supervision of various SRS area office personnel around the State. Rehabilitation teachers for the blind, most of whom are blind and visually impaired themselves, are the persons in the system who make most of the contacts with newly blinded Kansans. After the rehabilitation teachers for the blind were no longer supervised by the personnel running the rest of blind services, it was discovered that their territories did not line up well with SRS area office personnel. There were not enough rehabilitation teacher for the blind positions to go around for some areas to be covered, and coverage for those areas of the State became confusing and inconsistent. Some areas actually have not had rehabilitation teacher for the blind coverage for significant periods. What is more, there is no Statewide entity any more which has anything to say about whether these positions even continue to exist. They could potentially be done away with by a stroke of a pen of an area office director.

Also, before December of 2000, there used to be specialist counselors who worked for the Kansas Services for the Blind and Visually Impaired to insure that people who are blind and visually impaired who are of employment age could get the training and job seeking assistance and preparation they needed to become employed. In December of 2000, these positions were subsumed into the general vocational rehabilitation employment counseling section of SRS.

We are sure the SRS officials who made these changes were well meaning. SRS is often under pressure to cross train its staff so that virtually any SRS employee can connect a client with any potentially available service. This is understandable, but the concept simply does not work well for situations where the client needs specialization because they are losing something as all encompassing as their vision.

SRS has thus lost much credibility with blind Kansans. House Bill 2388 would allow the blind services offered by the State of Kansas to be administered by a commission appointed by the Governor, and made up of blind Kansans and experts in the field of blindness. It would remove not only the Kansas Rehabilitation Center for the Blind and Visually Impaired from SRS administration, but also the Business Enterprises Program which trains blind Kansans to handle their own businesses (Don Wistuba who runs the concession here in the Capitol was trained through this program.), and the Kansas Seniors Achieving Independent Living (KanSAIL) program which serves older, blind Kansans. Additionally, it would restore supervision of the Rehabilitation Teachers for the Blind and restore

specialist employment counselors for the blind to the Commission for the Blind so that all blindness rehabilitation and employment related services would again be administered by one entity.

This would strengthen the integrated service delivery system for blind Kansans. The people who administer the program will have a specialization in blindness issues. The initial contact people who are making contact with newly blinded Kansans will be working under the same supervisory structure as the people who are available to provide comprehensive training and adjustment rehabilitation services.

In fairness to SRS and the Kansas Rehabilitation Center for the Blind and Visually Impaired staff, sincere efforts have been made to work with the system which has been created over the past few years. A lot of outreach and training has been provided to attempt to provide generic SRS employees with information about blindness and visual impairment, and how to help and refer those newly blinded Kansans who need comprehensive training. What it comes down to though, is no matter how much training is provided, if only perhaps one out of every 20 people on an SRS worker's caseload is blind or visually impaired, that worker is not going to know as much about what can be done to help as they would if their entire caseload was made up of people who are blind and visually impaired.

KABVI does not have any complaints with the job being done by the leadership of SRS immediately over the section which includes services for the blind. The current Kansas Rehabilitation Services Director, Dale Barnum, is a good guy who has attempted to be fair to what is left of Services for the Blind, and to try very hard to make the new system work. I would like to think that he sees KABVI as a group which has attempted to pro-actively help him with this difficult mission. We have reached the conclusion, however, that restoring some of the autonomy of blind services and restoring its administrative cohesiveness would make for a more efficient system and more efficient expenditure of blind rehabilitation funding. Mr. Barnum is a very good and fair administrator who is being asked to work with a dysfunctional system structure.

I now want to address the positive aspects of the bill through an example which I believe will very much be one which this committee can relate to. The House Health and Human Services Committee is a groundbreaking committee in terms of its use of a paperless environment. You all have computers and you are all learning to use them to do the work of the Committee without having piles and piles of paper in front of you. You may all recall that for two terms in the mid-1990s, the Kansas Legislature included a member who was nearly totally blind, Representative Richard J. Edlund. Representative Edlund worked with me on the drafting of House Bill 2388 and supports the bill. He is not sure that he will be able to be here for the hearings on the Bill because he has been under the weather from a standpoint of health of late. I believe he is providing you with e-mail, however, expressing his support. Imagine if you will now, Representative Edlund participating on this paperless committee. When he was in the Legislature, he used to read legislation and correspondence through using readers, and through using an electronic reading machine which scanned and read hard copy text. This was State of the art for access to people who are blind in the 1990s and many of you who saw Mr. Edlund use this equipment thought it was pretty impressively high tech. It would not, however, work for access to the real-time information available through this paperless committee. It may surprise some of you to know that everything you are learning to do with your computers to access information on this Committee is something a totally blind legislator could do using a computer with an ear bud and speech access. The problem is one of set up and learning curve. The speech systems would have to be configured to work with the largely Microsoft systems you are using, and

then the user would have to be trained in learning and doing roughly twice the things you all have to do. The blind user would have to learn all of the same software and commands the rest of you use, but additionally they would have to learn the commands to make the speech access work in a comprehensible and logical manner, and they would have to learn to do with key strokes much of what you all do with your mice. I would ask you, if you had a blind Legislator attempting to keep up with this process, would you want a generalist from SRS or computer systems come in to assist, or would you want someone who is truly an expert in access systems for the blind, and who has taught many individuals to use this type of equipment, and helped many employers and service providers interface it. I submit that you would want the specialist.

In the United States, currently about 24 of the 50 States have freestanding Commissions for the Blind rather than having their services for the blind and visually impaired submerged in a large umbrella system. Some of these Commissions provide very excellent, well-coordinated services. Others do not. Overall, however, blind and visually impaired consumers tend to rate their services more highly in States where there is a freestanding commission for the blind. This is because the blind and visually impaired people of the state actually enjoy more ownership over such a system. In drafting House Bill 2388, Representative Edlund and I consulted a number of other State statutes of States who deliver their blind services through Commission systems. We particularly looked closely at the Nebraska statutes, which were adopted in 1999.

Helping people who are blind learn to travel safely, crossing streets, navigating throughout the environment, safely cooking without looking, etc. are not generic skills. They are specialized. They are best provided by specialists. KABVI believes that such service providers much be retained in the human services systems of our State, and they will work most efficiently when supervised and administered in a specialists service environment.

Janet Schalansky, Secretary of SRS, has been doing presentations before many committees of this Legislature about the changes SRS is making in their field systems. They are closing many small SRS offices and creating cooperative partner access points in over 400 locations throughout the State by having people go to such locations as libraries, courthouses, local community service agencies, etc. to get SRS information, applications, and sometimes to meet with SRS personnel. In the changes being made, SRS is allowing people to apply on line for services if the partner has a computer they can let the applicant use, and they are providing a situation where there is no one office or partner which people have to go to for a specific service. Any SRS office, or often, any SRS partner will do just as well as any other. For a single mother who needs food stamps, for an older person who needs Medicaid, for a person who is attempting to get past a substance abuse problem, or for a pregnant teen-ager, this is a wonderful new system for which the SRS leadership should be commended. The problem is, I would ask you to put yourself in the place of someone who is newly blinded. Lets say they have already lost about 90% of their vision and know that they could lose the other 10%. If they are still driving, they should not be, and they certainly cannot access a non-adapted computer with the vision they have left. Even if the computer has all of the doo-dads and gadgets which make it accessible for people who are blind or low vision, they would have no training about how to use such accommodations. The new access systems SRS leaders are developing will probably be super for the vast majority of SRS clients. They simply are not going to work well for Kansans who are losing their vision. The small agency which deals directly that with problem is a better answer. It is true that sometimes the service providers will have to travel further to serve the newly blinded individuals, but

KABVI has always taken the view that appropriate and quality services, which are a little inconvenient to provide, are superior to services close by which simply are not set up to address the needs.

I said that at the end of this testimony, I would address the technical drafting issue. I shall do this below, and this will then lead to a closing discussion of the fiscal note which has been provided on the legislation. KABVI respectfully disagrees with this fiscal note.

On line 38 of page six of the Bill, the year "2003" should be changed to "2000." This was the way the original draft of the Bill was submitted. Apparently, there was a copying error at some point in the process. We certainly acknowledge that some of the dates in the Legislation may have been confusing. Prior to December 1, 2000, however, the field program for the Kansas Division of Services for the Blind was under the control of the Blind Services administration. In December of 2000, the administrative control of the field staff and programming for the Kansas Division of Services for the Blind was essentially dissolved by SRS leadership. All of the employees who formerly had been a part of the Kansas Division of Services for the Blind field program were transferred to the Kansas Division of Rehabilitation Services, now simply called "Rehabilitation Services" or KRS. Many of the employees were given more generalist type duties and were no longer assigned to work exclusively with blind and visually impaired caseloads. Other employees of Rehabilitation Services, who had no experience with blindness or visual impairment, were assigned to work with some blind and low vision Kansans. Additional caseloads have subsequently been blended, and some areas of the State, under this new configuration, do not have clear coverage by a Rehabilitation Teacher for the Blind. One of the purposes of House Bill 2388 is to re-unify the remaining parts of Kansas Services for the Blind and Visually Impaired with the field program staff positions which were originally assigned to blind services. To do that, the bill must transfer to the new Commission for the Blind, the personnel or positions, which were working with Kansans who are blind prior to December 1, 2000 when the administrative structure was changed. The date of December 1, "2000" is correctly drafted into line four of page six of the Bill, but the change needs to be made for the Line 38 reference.

We do not know if SRS would suggest that this drafting change would change the fiscal note. As the dates in Line 4 and Line 38 of page six of the Bill should have been consistent with each other, we can not tell for sure from the fiscal note wording, which date was used by Budget Director Goosen and SRS staff in drawing the conclusions they have provided. It appears, however, that the 2000 date was used as it was listed first. If so, the drafting change would not alter the fiscal note.

We must, however, disagree with the fiscal note. It would appear that SRS has inflated the note because SRS leadership may not currently support making the administrative/structural change in question. When SRS combined the field programs of Services for the Blind and the general Rehabilitation programs, they certainly did not spend nearly \$682,000.00 to do so. In fact, the public was told that there was no cost involved with this change. Now, SRS is saying that to separate the two field programs and transfer the blind services field program to the Commission created by House Bill 2388 would cost \$681,560.00. They state that this cost would in part be due to the need to create an administrative hearings process. Kansas Services for the Blind and Visually Impaired generates very few administrative hearings, and the idea that there would be this kind of cost connected with this process is beyond logic. We might add that a similar Bill to 2388 was submitted in the 1999-2000 Session of the Kansas Legislature. This bill was not as well written, but it essentially did the exact same things which are done by HB 2388. At that time, Budget Director Goosen assigned a \$0 fiscal note to the 1999-2000 version of the bill. The only real difference which has taken place in the

intervening four years, and between the two bills, is that the Kansas Division of Services for the Blind field program has been eliminated and would have to be put back together and transferred as it was prior to December 1, 2000. It did not cost SRS \$682,000.00 to dismantle the field program, and it would not cost nearly that much to put it back.

We will also submit separate responses to the technical concerns raised in the staff briefing by Mr. Wolff. Thank you very much for hearing this bill and considering our testimony.