Comments on the July, 2011 Michigan Commission for the Blind State Plan Submission

June 27, 2011

***MCB, through its collaboration with community partners and employers, has established a goal to rehabilitate 170 consumers with competitive outcomes.***

The above figure is a reduction of 15% from the 2000 state plan. This is inexplicable and scandalous to the average observer. During the past year, there were as many as 15 openings for blind people in the Business Enterprise program and the BEP still illegally employs sighted people to operate businesses legally mandated for blind people. The available budget is significantly higher; the numbers of blind people wanting work is relatively similar. Why is the goal for placements declining? This is further support for more and better training and a serious review of administrative goals within MCB.

***MCB was successful in assisting 166 consumers in obtaining gainful employment in a variety of occupations.***

If MCB had simply placed 4 more people in a Business Enterprise facility they would have made their very modest employment goal.

Following is a cursory review of the Michigan Commission for the Blind State Plan submission for July 2011. If there are factual errors they are primarily due to the sever lack of time provided for consumers to review this long, arcane and complex document. Many hours were devoted to drafting this document and efforts were made to be accurate. One may conclude that this small window of opportunity afforded by MCB to comment reflects a cavalier lack of concern for consumer input: it certainly does show a defacto lack of consumer respect and a dismissive attitude toward federal law and the state plan as an anchor document for the design and delivery of rehabilitation services to blind Michiganders. Given the illegal firing of 2 employees of MCB and their subsequent reinstatement by 2 separate judges due to the fact that they were fired for membership in the National Federation of the Blind, a consumer organization, it is understandable that some could come to the first conclusion.

**It is felt by most consumers that the Michigan and Federal laws which govern the Michigan Commission for the Blind are adequate and, if properly implemented, will lead to high-quality and exemplary consumer outcomes.** It is felt by many, that the Michigan agency is severely mismanaged and the staff is undertrained and less than fully prepared to achieve the quality outcomes envisioned by the laws.

Regarding other fundamentals of the Michigan agency, most consumers will agree that the staff is a generally good group of people who wish to do a good job. They are reasonably compensated and well-educated. In sworn testimony one staff member said she had received a total of 4 weeks of training in blindness rehabilitation. Another staff member stated when discussing the lack of blindness training of staff that “rehab is rehab.” These 2 examples are from different regional offices and are demonstrative of the challenges faced in providing quality rehabilitation services.

**The Michigan infrastructure is adequate for the provision of quality services.** Office space is ample, clean, well-located, and up-to-date. The Michigan commission for the Blind Training Center (MCBTC), when it reopens, following its major renovations, will presumably be state-of-the-art. It would be preferable to have off-site housing for MCBTC students, but the present facility was built in 1969, before the more enlightened views of the inadvisability of such arrangements.

**Finally, it is certainly not the budget that contributes to the dissent and dissatisfaction.** During 2010, though the agency was attempting to illegally charge blind SSI and SSDI recipients for their rehabilitation services, MCB only spent 71% of available funds. All categories of client services were severely underspent while administrative categories such as rent for space, wages and salaries, travel and so on, were virtually fully spent and in 1 case even exceeded the budget. Such a cynical approach to rehabilitation service is unconscionable and ought to be illegal.

**The only conclusion for the significant lack of confidence and satisfaction with Blindness Rehabilitation services from MCB is the inept and anti-consumer top management of the agency.** Below is our best effort to provide meaningful comments on the state plan. Again, time was not nearly sufficient to fully research the best practices and any gaps within MCB

Some general comments to start with:

**No plan on website since 2004**

Consumers marvel at the cavalier lackadaisical attitude of MCB administrators toward the state plan. It is simply a hoop for them to jump through and only seems to be of concern when it is due or someone raises a serious question about it. This writer has been in numerous and seemingly endless meetings on various policy matters and little or no mention is made of how a service or policy fits into the state plan. Such requirements are used to prevent consumers from receiving services rather than as a means of providing clear, efficient and effective service.

**No public hearings since 1998**

What more needs to be said about the value placed on input on the plan. If the plan is being used to drive services, then administration would make it a centerpiece of all activities and focus consumer attention on it by having regular hearings with lots of notice, lots of technical information and a segmented set of hearings focusing on portions of the plan rather than 1 mega hearing with just a few days notice to absorb nearly a hundred pages of uncommonly presented information.

**People not legally blind being served and vice versa**

There are persistent stories of ineligible people being served by MCB and documented stories of eligible blind persons being denied service. It is certainly easier to serve sighted people. More information can be provided to RSA if requested.

**Relevancy of comments**

Potential commenters on the state plan were told that only relevant comments will be forwarded to RSA. There were no guidelines regarding relevancy. It is difficult to imagine, since the plan encompasses everything the MCB does that any comment on services would be irrelevant. There was no outline that this writer is aware of that helped guide consumers through the process. Hearings were held on a day when the Commission was meeting and in a city where one of the consumer group presidents lives. This was on a day where this president was a scheduled speaker at the Commission meeting.

***Preprint - Section 2: Public Comment on State Plan Policies and Procedures***

While it is likely that MCB followed the letter of the law with regard to public comment on the state plan, it certainly did not provide adequate time to fully read, comprehend, check out and comment on this 93 page document written in government speak.

***(c) Special consultation requirements.***

***The state agency actively consults with the director of the Client Assistance Program,***

***The State Rehabilitation Council, if the agency has a council and, as appropriate,***

The MCB Board serves as an alternative to the SRC. The Board was consulted in a phone meeting which was cursory at best given the short timelines available. The Commission Board has not had adequate nor substantive input into the plan.

***2. Is consumer controlled by persons who:***

***A. are individuals with physical or mental impairments that***

***Substantially limit major life activities; and . . . . 4. Undertakes the functions set forth in Section 105(c) (4) of the Rehabilitation***

***Act and 34 CFR 361.17(h) (4).***

**It is strongly felt by many consumers that the MCB Director has usurped the power of the MCB Board and is inappropriately encroaching on the authority and duties of the Board with regard to this state plan and other related affairs.** For example, the commission Board has not, to our knowledge, submitted an annual report following the close of each fiscal year. Below are some of the requirements to be followed as stated in the state plan. Comments follow each section.

***(4) The Council shall, consistent with State law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.***

**The only staff evaluation conducted by the MCB board is an annual evaluation of the Director.**

***(5) Those staff and personnel that are assisting the Council in carrying out its functions may not be assigned duties by the designated State unit or any other agency or office of the State that would create a conflict of interest.***

**We believe the Commission’s staff support does not meet these standards.**

***(j) Meetings. The Council shall--***

***(1) Convene at least four meetings a year to conduct Council***

***Business that are publicly announced, open and accessible to the public,***

***Including individuals with disabilities, unless there is a valid reason***

***For an executive session; and***

***(2) Conduct forums or hearings, as appropriate that are publicly***

***announced, open and accessible to the public, including individuals with***

***Disabilities. . .***

***Presently, the Commission Board does not have control over meeting times, places and frequency.*** This seems contradictory to the spirit, if not the letter of the Rehabilitation
Act. Furthermore, according to existing bylaws, the Commission Director has a role in determining meetings and agendas of the Board. We certainly feel the Director ought to have significant input in these matters, but the final authority and the decision to have a meeting is an autonomous decision of the Board.

**MCB meetings are continually held in facilities which do not meet ADA requirements for signage and many other such requirements.** The MCB Director has been repeatedly and vociferously reminded, both politely and stridently, yet the behavior persists.

***B. all policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out this State Plan and its supplement; and***

***C. copies of due process hearing decisions issued under***

***34 CFR 361.57, which are transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.***

***(c) If the designated state unit has a State Rehabilitation Council, Attachment 4.2(c)***

***Provides a summary of the input provided by the council consistent with the provisions identified in subparagraph (b) (3) of this section; the response of the designated state unit to the input and recommendations; and, explanations for the rejection of any input or any recommendation.***

***4.3 Consultations regarding the administration of the State Plan. (Section 101(a) (16) (B)***

***of the Rehabilitation Act; 34 CFR 361.21)***

***The designated state agency takes into account, in connection with matters of general policy arising in the administration of the plan and its supplement, the views of:***

1. ***individuals and groups of individuals who are recipients of vocational rehabilitation***

**Where are these documents?** Where are the summaries of hearings? Certainly, consumers have not had adequate time to provide input and have not even had access to relevant information upon which to make comments. We feel that all of the above ought to be posted on the MCB website and provided, upon request, in accessible formats suitable to the requestors.

***4.4 Nonfederal share. (Sections 7(14) and 101(a) (3) of the Rehabilitation Act; 34***

***CFR 80.24 and 361.60)***

***The nonfederal share of the cost of carrying out this State Plan is 21.3 percent and is provided through the financial participation by the state or, if the state elects, by the state and local agencies.***

**Based on the FY 2010 budget the state is using federal funds and under serving blind people All state cost related budget items were fully spent while categories of case Services, services to older blind, Business enterprise, etc. were significantly under spent.** For instance, rent for Randolph-Sheppard facilities reduced the Commission matching money which supported space in buildings while reducing services to blind persons.

Here is a case from the 2010 final budget report where the State of Michigan is using MCB as an ATM:

COST ALLOCATIONS

$242,139

$356,682

147 percent

Some of this money went to pay legal costs of firing blind staff who were reinstated after showing they were illegally discriminated against for being members of a consumer organization of the blind. **Remember, this over expenditure took place at the same time as a drastic under expenditure of case service funds and the agency is reducing the number of projected competitive placements.** Who is watching?

***5.4 Availability of comparable services and benefits. (Sections 101(a) (8) and 103(a) of the Rehabilitation Act; 34 CFR 361.53)***

***(A) Prior to providing any vocational rehabilitation services, except those services identified in paragraph (b), to an eligible individual or to members of the individual’s family, the state unit determines whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.***

**We believe it is inappropriate to ask family members for funds for rehabilitation services.** This has been and, possibly, still remains in the small business and college policies. Provision of services should not be based on the ability or willingness of a family member to contribute.

***(b) The following services are exempt from a determination of the availability of***

***Comparable services and benefits:***

***4. Job-related services, including job search and placement assistance,***

***Job retention services, follow-up services, and follow-along services;***

***5. Rehabilitation technology, including telecommunications, sensory and other technological aids and devices; and***

***6. Post-employment services consisting of the services listed under subparagraphs***

***(1) through (5) of this paragraph.***

**4, above, is not followed properly. Customers are told that if they are working they are not eligible for services, even if those services will allow them to maintain a job and the denial of services may result in job loss. 5 and 6 of this paragraph are not followed correctly.** Consumers are told that employers are responsible for access technology and thus don’t assist in job maintenance. It may be true that ADA requires an employer to pay, but that ought to be settled with the employer while the blind person keeps working.

***(c) The requirements of paragraph (a) of this section do not apply if the determination of the availability of comparable services and benefits under any other program would***

***Interrupt or delay:***

***1. Progress of the individual toward achieving the employment outcome identified***

***In the individualized plan for employment;***

***2. An immediate job placement; or***

***3. Provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.***

**Clients are not informed of this rule.** Even though –MCB has secured memoranda of understanding with colleges and universities, these institutions do not always keep up their end. This results in delays in class completions or threatens the ability of a student to successfully complete their course of study. It is not uncommon for systemic delays to slow down progress toward an employment goal.

***5.6 Opportunity to make informed choices regarding the selection of services and providers. (Sections 101(a) (19) and 102(d) of the Rehabilitation Act; 34 CFR 361.52)***

***Applicants and eligible individuals or, as appropriate, their representatives are provided information and support services to assist in exercising informed choice***

**In a recent meeting of the Services Delivery Design Team meeting, a representative of the Client Assistance Program was actively assisting the MCB staff to develop procedures and strategies to limit consumers from making informed choice to attend out of state rehabilitation programs.** This is out of bounds on 2 counts, first, the agency ought to be doing all possible to get the best services for every client and second, the Client assistance Program has no business conspiring against clients in favor of the agency.

***Attachment 4.7(b) (3) Request for Waiver of Statewideness***

***Identify the types of services to be provided by the program for which the waiver of statewideness is requested.***

It seems that MCB has entered into a large number of agreements that, each, serve very few people and militate against the development of larger more robust programs that concentrate resources. **We recommend the Commission focus on a few larger and proven programs rather than spreading things so thin across the state.**

***MCB, through its collaborative agreements with a variety of state and local agencies***

***Provides comprehensive rehabilitation services to individuals who are blind and visually***

***Impaired. MCB has agreements with the Developmental Disability Council and the Community***

Many Commission staff has spent much time working on creating cooperative agreements and other working relationships that benefit blind consumers. **The agency could leverage this effort by publicizing these agreements and assisting more blind people to take advantage of these services.** Some of the services will benefit blind people whether they are clients or not. A categorical list on the MCB web page highlighting such things as transportation, food and housing services would be of great assistance to many blind people who are unaware of these agreements.

***Attachment 4.8(b) (2) Coordination with Education Officials***

Though Michigan law is not primarily a concern of federal RSA officials, the Commission Law as it pertains to education may be very complementary to federal goals. **MCB is charged by law to coordinate all programs for blind children in Michigan. This provision has never been implemented, though the consistency and availability of services to blind children varies greatly across the state.**

Despite the list of activities cited in the state plan, blind children in Michigan are suffering. Literacy rates are generally low, self esteem and loneliness indicators continue to show up as problematic. The delivery of quality educational services to blind children is spotty. Some blind children flourish while others languish. These students may be in adjoining school districts. MCB needs to focus on fewer and higher intensity programs. There are only 2 thousand blind children in the state according to most estimates and spreading them over such a large area increases costs and reduces effectiveness of service.

***Attachment 4.8(b) (3) Cooperative Agreements with Private Nonprofit Organizations***

**There seems to be a major oversight problem with regard to Peckham industries of Lansing.** This organization has a federal contract to provide employment to persons with disabilities. At last report, this year, this program is inaccessible to blind consumers. This seriously violates a number of laws and puts MCB in jeopardy for spending money with a program that discriminates against persons with disabilities. This situation causes one to wonder how accessible other programs are that MCB financially supports.

***Attachment 4.10 Comprehensive System of Personnel Development***

Despite budget issues and changing attitudes towards public employees among the public and legislature, MCB remains a great place to work. It offers great facilities, equipment, wages and benefits. Rehabilitation work is rewarding and satisfying with good possibilities for career improvement...

Given the data in the draft plan, on the numbers of various staff eligible for retirement and the apparent high turnover among staff, staff training is a very large and vital area of interest for consumers. For instance, according to studies, 90

% of working blind people use Braille. Many of MCB’s staff have not graduated from or attended a program in blindness rehabilitation. Transfers from the general agency have a poor attitude about the importance of blindness skills and resist immersing themselves in this training.

**More emphasis needs to be placed on recruiting and hiring blind staff persons and reaching out to those institutions for recruitment that provide college level training in blindness rehabilitation.** Special emphasis needs to be placed on those institutions that focus on emersion/discovery learning.

**Consumers are very concerned about the quality and quantity of training of new and existing staff.** MCB puts a very low priority on this area. In sworn testimony one counselor reported that she had a total of 4 weeks of blindness training. Another counselor who transferred from Michigan Rehab said blithely that “rehab is rehab,” completely missing the point of such areas of expertise as Braille, adaptive computer equipment and software, cane travel and a myriad of other factors unique to blindness rehabilitation, not to mention the overwhelmingly negative attitude of the general public toward hiring blind people.

**The 2010 spending on training supports our view that MCB is dismissive and unconcerned about quality staff training.** The agency spent a very small portion of a very small budget on training as follows:

STAFF TRAINING

$29,000

$9,214

32 percent

**MCB failed to spend over 2/3 of its meager $29,000 training budget.** If one wishes to discern the importance of an activity the budget is the most illuminating factor to observe. “Follow the money!”

**We advocate for an extended initial training in emersion in blindness and structured discovery for all Commission employees no matter their job. Everyone’s job at MCB is getting jobs for blind people.** Counselors and teachers need 600 hours of emersion/discovery learning training while support staff and others not necessarily providing direct services to consumers need 3-400 hours of training.

In addition to new hires, existing staff need to have uniform training in emersion and discovery learning, the Rehabilitation Act and related topics which lead to fast, effective and quality job placements.

**It is recommended that this training be provided from an outside party.** –MCB is entrenched in old-school thinking and needs a fresh vision of the capabilities and needs of blind consumers.

***MCB, through its collaboration with community partners and employers, has established***

***A goal to rehabilitate 170 consumers with competitive outcomes.***

**The above figure is a reduction of 15% from the 2000 state plan.** This is inexplicable to the average observer. The available budget is significantly higher; the numbers of blind people wanting work is relatively similar. Why is the goal for placements declining? This is further support for more and better training and a serious review of administrative goals within MCB.

***MCB has initiated job clubs in major cities throughout the state for the purpose***

***Of assisting job ready consumers in their efforts to obtain employment. MCB provides Employment Readiness Seminars quarterly for all job ready consumers. The seminar provides local employers opportunities to interview job ready consumers. It also provides information regarding work incentives for employers and the consumers are provided with information regarding Work Incentive Planning and Assistance (WIPA). MCB will continue to work with the National Business Alliance, trade organizations and apprenticeship programs through its Business Services program to expand employment opportunities for the population that MCB serves.***

While the above may be useful to trained and motivated job seekers, the real work of placement is done 1 on 1 between MCB staff and blind consumers. **The fundamental difficulty is the small amount of time that each counselor spends with consumers on the caseload. Another major factor is the short time spent in Kalamazoo at the MCBTC gaining confidence, experience and a belief in the ability of the average blind person to do the average job in the average place of work with training and opportunity.**

***MCB makes available to counseling staff the opportunity to participate in job placement training through the Michigan Rehabilitation Counseling Educators Association and the Job Placement Division of the Michigan Rehabilitation Association, along with private trainers emphasizing job placement techniques as well as TACE supported employment programs that equips the staff with tools to compete in the competitive labor market.***

**Again, this training is not blindness-specific.** It takes 1 counselor working with 1 client and 1 employer to create a success. The blind person and the counselor need to form a seamless campaign to convince the employer to hire the consumer. **Fundamental to this success is a highly trained counselor along with a highly trained consumer.**

***As a result of the economy and consumers desire to work part-time, MCB was not successful in assisting consumers to obtain full time employment which would elevate their income. A number of consumers are choosing to work part-time so that full-time employment will not affect their benefits.***

**HOGWASH!** There are certainly people who live in fear of losing health coverage, especially those with chronic conditions such as Diabetes. **This agency response is primarily an example of blaming the victim and not taking full responsibility for creating an environment where blind people are gaining access to good-paying jobs with benefits.** This answer is the cheap way out.

***The agency continues to encourage consumers to work with the CWICS to receive appropriate information regarding work incentives that will allow them to make informed choices regarding full-time employment.***

**SORRY! The agency cannot farm out responsibility.** It ought to make full advantage of all resources, but **saying that someone else is to provide motivation is, again, denying the responsibility which is placed upon it by the 20 million dollars which the people of America have so generously provided to help blind people get a job.**

***MCB’s web based case management system (System 7) provides staff with valuable data that enables***

***them to effectively manage their case loads which allows them to provide timely services***

The case management system was not working properly in 2000 in a report in the state plan. **This state plan fails to mention the on-going and unresolved problems with System 7. In a recent Services Delivery Design Team meeting much time was spent chronicling and discussing the many problems in System 7.**

***The Michigan Commission for the Blind’s priority is to provide staff with professional training to enable them to be aware of current knowledge and information regarding the rehabilitation process that will equip them to meet the demands of its consumers in an ever changing labor market. MCB continues to pursue additional learning opportunities for staff in the area of job development and job placement. All new staff, along with current staff, continues to be trained in the latest techniques in job development and job placement as well as technology and accommodation assessments necessary to assist consumers in obtaining and maintaining employment. The staff participated in Motivational Interviewing, Case Management, Job Placement and Ethics training. Each of these trainings provided***

***staff with specific skills relating to a particular function of their job. The Ethics Training is a major component for rehabilitation counselors in the provision of services.***

**This list of training is missing the most important topic, blindness.** This is not to say that other training is not useful, but until IPE’s are properly written, and calls are returned on time, a real positive relationship is developed between the counselor and consumer placements will continue to be difficult. Belief in blind people, belief in skills of blindness, willingness to provide the best, not the least, training to consumers are all the keys to making a change.

**Regarding ethics, it seems that the MCB director needs this training to help him determine when to fire a person.**

***The time required to complete this information collection is estimated to average 25 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the information collection.***

According to the Feds, it is to take 3 or 4 days to complete this plan. **It seems that given the known deadline of July 1 that this document could have been out to the Commissioners and consumers by May 1.** This would have afforded everyone time to review study and comment on the document.