



The Law Requires the US Department of Education to Oversee and Support the Randolph-Sheppard Program

Encourage the Department of Education to Meet Its Statutory Obligation to Support the Randolph-Sheppard Program

Congress enacted the Randolph-Sheppard Act to create entrepreneurial opportunities for blind individuals. The act grants blind entrepreneurs a priority to manage and operate food service businesses in federal buildings.¹ The US Department of Education is the federal agency which has administrative oversight for the program² but has failed to provide the necessary support to maximize its potential.

The right of blind entrepreneurs and state licensing agencies to due process is being denied by the Department of Education's routine failure to timely convene arbitration panels. The Randolph-Sheppard Act requires the Department of Education to convene an arbitration panel to resolve disputes between blind entrepreneurs and the state licensing agency that administers the program at the local level.³ Likewise, the department must convene arbitration panels to resolve disputes between state licensing agencies and federal entities that are alleged to be out of compliance with the Randolph-Sheppard Act. Currently, there are at least a dozen pending arbitration cases awaiting action by the Department of Education. A simple convening letter is all that is required; however, despite pleas from the National Association of Blind Merchants, the National Council of State Agencies for the Blind, individual blind entrepreneurs, and individual states, the convening letters remain stuck in an unwieldy bureaucracy. Some blind entrepreneurs and state agencies are waiting up to a full year from date of request to receipt of a convening letter.

The Randolph-Sheppard Act created a system whereby state agencies for the blind administer the program at the local level with oversight from the Department of Education. The state agency must submit for approval any rules, regulations, policies, or procedures to be used in the administration of the Program.⁴ However, when state agencies submit these to the Department of Education as required, there are extensive delays in securing approval. Approximately eight states are currently awaiting approval of rules that have been submitted to the department. Some of the approvals have been pending for as long as eighteen months. This creates a hardship on states who cannot effectively administer their programs without approved rules.

Congress created the arbitration process to resolve disputes between state agencies and federal entities. Many of the issues being disputed are exactly the same and multiple arbitration panels hear the same complaint except for varying details such as geographic area, blind entrepreneur, and sometimes a different federal agency. The vast majority of such arbitration cases could be avoided, thus saving the federal government thousands of dollars. It is the responsibility of the Department of Education to interpret the Randolph-Sheppard Act. If the Department would issue policy guidance on important issues, most of these arbitration panels would not be necessary, and some of the complaints filed by blind entrepreneurs against state agencies could be averted.

**ENCOURAGE THE DEPARTMENT OF EDUCATION TO FULFILL ITS STATUTORY
OBLIGATION REGARDING THE RANDOLPH-SHEPPARD PROGRAM**

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¹ 20 U.S.C. § 107 et seq.

² 20 U.S.C. § 107(b)

³ 34 C.F.R. 395.13

⁴ 34 C.F.R. 395.4(a)