**Resolution 2024-002 : Contracted Services**

Submitted by Tennessee Chapter AER

Whereas there is an international shortage of vision service providers,

Whereas there is an increase in services being provided by contracted services through companies and agencies serving individuals with blindness and low vision,

Whereas non-competes cause significant costs and harm for qualified and highly specialized vision service providers. Such significant costs can be but are not limited to being forced into one or more of the following: to switch to a lower-paying field, to relocate, to leave the workforce altogether, to pursue career changing education/training, to defend against expensive litigation, significantly limit and can eliminate the ability for vision service providers to find employment within a preferred region of residency,

Whereas qualified vision service providers are highly specialized in their field which limits their ability to find employment outside their field without incurring undue financial hardships,

Whereas non-compete clauses can prevent the provision of Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA) by preventing services to be implemented by a qualified service provider who would otherwise be available if not constrained by a non-compete,

Whereas the Federal Trade Commission issued a final rule to promote competition by banning non-competes nationwide, protecting the fundamental freedom of workers to change jobs, increasing innovation, and fostering new business formation.

[Noncompete Rule | Federal Trade Commission (ftc.gov)](https://www.ftc.gov/legal-library/browse/rules/noncompete-rule)

Now, therefore, be it resolved, by the Association for Education and Rehabilitation of the Blind and Visually Impaired (AER), on this the 20th day of June, 2024, in the state of Tennessee that:

1. AER supports partnering between agencies, and other entities, in the provision of vision services, whose contractual agreements shall not include clauses which impede or block the provision of FAPE as outlined by IDEA.
2. AER supports state entities (school districts), agencies, and any other entities entering into contracts free of non-compete clauses which prevent highly specialized vision service professionals from worker related harms.