

**MINNESOTA GOVERNOR'S COUNCIL
ON DEVELOPMENTAL DISABILITIES**

Wednesday, August 7, 2013

12:15 p.m. – 2:20 p.m.

Continuing Education and Conference Center
University of Minnesota St. Paul Campus
1890 Buford Avenue, St. Paul, Minnesota 55108

MINUTES

MEMBERS PRESENT

Dan Reed, Chair
Peg Booth
Dawn Bly
Jennifer Giesen
Mary Hauff
Tom Holtgrewe
Loraine Jensen
Matt Kramer
Steve Kuntz
Barb Lundeen for Shawn Holmes
Lynne Megan
Stevie K. Nelson
Carolyn Perron
Scott Price
David Quilleash
Mary Raasch
Robbie Reedy
Bryan Schmidt
Bonnie Jean Smith
Mike Stern
Joe Timmons
Wendy Velzke
Katheryn Ware

MEMBERS EXCUSED

Shawn Holmes
Louis Lenzmeier

GUESTS

Robin Bly, family member
David Ferleger, Court Monitor, Jensen
Settlement Agreement
Kristin Jorenby, Department of Transportation
Dawn Lampros, parent
Lillian Lampros, State History Day participant
Steve Larson, The Arc Minnesota
Jerrod Vincent, staff support for Robbie Reedy
Jonah Weinberg, Autism Society of Minnesota
Joan Willshire, State Council on Disability

STAFF PRESENT

Colleen Wieck
Mary Jo Nichols

I. CALL TO ORDER

Dan Reed, Council Chair, called the meeting to order at 12:15 p.m.

II. INTRODUCTIONS

Everyone present introduced him/herself.

COUNCIL PROGRAM

Colleen Wieck introduced David Ferleger, who was appointed a year ago to serve as Court Monitor for the Jensen Settlement Agreement. Ferleger will talk about the high points of the Compliance Report that was issued in June and what this may hold for the future. The Court's jurisdiction, scheduled to end in December 2013, may be extended.

Ferleger opened by stating that his official role is Monitor. He provided some background, hoping to teach a bit about the case as well as present a status report.

Following is a summary of his PowerPoint presentation:

#1—Image of the front page of the settlement agreement

#2—Two goals from the settlement agreement that read as follows:

- A. Extend settlement application "to all state operated locations serving people with developmental disabilities" who would qualify for admission to METO or its successors.
- B. Provide these residents with a safe and humane living environment free from abuse and neglect.

#3—The settlement agreement described the closure of METO and the conditions for any successor including compliance with Olmstead decision; utilization of person centered planning; licensure must be for people with developmental disabilities; and the target population to be served going back to state statute.

#4—The court ordered requirements have a dual emphasis on ending institutional mistreatment and supporting community integration.

#5—An image of the evolution of Cambridge from 1925 until 2014 and beyond—pages 22 and 25 of the compliance report provide the various names for Cambridge. It is anticipated that Cambridge will close according to DHS.

#6--Image of exterior of Cambridge—see page 53 of compliance report for the photo.

#7—Court monitor was appointed on July 17, 2012.

#8—The court monitor's charge is listed as: "to investigate, verify and report on compliance" The work ended with a 263+ page report.

#9—The June 5th compliance review included: onsite review at Cambridge during May 2013, expert consultants who visited Cambridge during this time period, interviews with staff, administrators and clients, and examination of historical and current client and administrative records.

#10—Findings slide (title slide only)

#11—Average daily census —a graph showing the decline from 25 people in 2010 to 21 people in 2011 to 8 people in 2013. This graph comes from the compliance report (see page 25)

#12—Cost—FY 2013 budget is \$4,123,678; there is no federal reimbursement, all state dollars at a per day per client cost of \$1,264.00

#13—Length of stay —each individual is represented by one bar on the graph and this appear at page 27 of the compliance report.

#14 Positive findings include: prohibited restraints discontinued, no seclusion or time out, restraints only used in emergencies, visitor access is improved, internal reviewer has been issuing reports, staff training was held, notice of restraints has been provided, and appointment of both Rule 40 and Olmstead Committees was completed.

#15—Negative findings—at Cambridge there is idleness, habilitation is absent, lack of client and staff interaction, inadequate behavior supports, some fabricated and useless data, 10 months operation without a SLF license, DHS and counties are not in sync and there is an absence of an implementation plan for the settlement agreement.

#16—There are 100 separate provisions of the settlement agreement divided into three types of evaluation criteria: quality of life, instrumental and administrative.

#17—The compliance ratings—those in compliance include 57% administrative, 85% instrumental, and 41% quality of life. Those not in compliance would be administrative 43%, instrumental 14% and quality of life 59%.

#18 and 19—see pages 20 and 21 of the compliance report—it shows the list of evaluation criteria based on the settlement agreement and each item is color coded in terms of compliance or noncompliance.

#20 –Image of a person on a bed (page 54 of the compliance report).

#21—Responses to the compliance report—DHS responded by saying improvements had been made, work is remaining, implementation team is appointed, and agreement with findings of non-compliance. Settlement class counsel stated that there is a long history of non-compliance and “further reliance on DHS to properly and timely implement the settlement agreement places at risk the settlement class.

#22—The Judge's hope from an April order appears on this slide.

#23—Next—further reviews, continue work on Olmstead and Rule 40, visits to Anoka and St Peter, possible involvement of DOJ and compliance.

Following are concerns raised by Council members.

Schmidt asked about the breakdown of the daily rate, where the \$4 million comes from, and where it is going. .

Quilleash asked what options the Judge has if the state fails to comply with the Settlement Agreement and what authority he has to extend jurisdiction beyond December.

Reed said there should be repercussions for a failure to act, and added that their staff would be fired if they were caught not telling the truth. He thinks that residential service providers would be very willing to provide services to eight people at \$1,000 per day per person.

Booth said that most class members have been placed. Cost is not the issue but building community capacity is. Counties are struggling to find providers who have the capacity or are willing to provide the necessary services.

Megan said that they have provided services for some folks from METO for less than \$100 per day.

In response to Ware's question about whether the moratorium is an issue, Booth said it isn't an issue.

Winger said that she's noticing a trend. People are getting around the no physical restraints by using chemical restraints.

Reed thanked Ferleger for this update and key findings contained in the Compliance Report

III. APPROVAL OF AGENDA

Reed asked for approval of the Agenda.

MOTION: Velzke moved, seconded by Kuntz to approve the Agenda.
Motion carried; there were no dissenting votes.

IV. APPROVAL OF MINUTES FOR JUNE 5, 2013

Reed asked for approval of the Minutes as written for June 5, 2013.

MOTION: Bly moved, seconded by Reedy to approve the Minutes as written for June 5, 2013. Motion carried; there were no dissenting

Reed changed the order of Agenda items and asked for the report from the Grant Review Committee and motions that needed full Council approval.

V. GRANT REVIEW COMMITTEE

A. Reaffirm Five Year State Plan Strategies and Goals for FFY 2013

Holtgrewe said that the Council's Five Year State Plan goals and objectives need to be reaffirmed or updated on an annual basis. No changes are being recommended for FFY 2014.

MOTION: Reedy moved, seconded by Quilleash to reaffirm the strategies and goals in the Council's Five Year State Plan for FFY 2014. Motion carried; there were no dissenting votes or abstentions.

B. Allocation Recommendations for FFY 2014

Council members received the Allocations memo in their Council packet. Holtgrewe said the Committee reviewed grant activities and projects, and suggested allocations for each. A total of \$ 686,539 is available for FFY 2014.

Council members were reminded about the Conflict of Interest Policy and that allocation recommendations will be brought separately so that abstentions could be recorded. A PowerPoint was prepared with each of the recommendations from the Grant Review Committee

MOTION: Kramer moved, seconded by Reedy to allocate **\$ 85,000** for **Employment**. Motion carried; there were no dissenting votes. Kuntz abstained.

MOTION: Nelson moved, seconded by Bly to allocate **\$ 105,000** for **Self Advocacy**. Motion carried; there were no dissenting votes. Raasch and Reedy abstained.

MOTION: Kuntz moved, seconded by Holtgrewe and Kramer to allocate **\$210,000** for **Partners in Policymaking®, Graduate Workshops, and Follow Along Activities**. Motion carried; there were no dissenting votes. Bly, Hauff, Nelson, Quilleash, Raasch, Reedy, Smith, Stern, Velzke, Ware, and Winger abstained.

MOTION: Velzke moved, second by Winger to allocate **\$ 40,000** for **Cultural Outreach**. Motion carried; there were no dissenting votes or abstentions.

Stern noted that the Committee talked about including a cultural outreach component in other Requests for Proposal. Hauff added that this was

discussed specifically about training conferences and suggested that it be included in the application for cosponsorship funds.

MOTION: Schmidt moved, seconded by Quilleash to recommend that **\$ 20,000** be allocated to **Training Conferences**. Motion carried; there were no dissenting votes or abstentions.

MOTION: Velzke moved, seconded by Megan to allocate **\$ 156,539** for **Websites, Publications, and Online Courses**. Motion carried; there were no dissenting votes or abstentions.

MOTION: Winger moved, seconded by Reedy to allocate **\$ 50,000** for **Customer Research**. Motion carried; there were no dissenting votes or abstentions.

MOTION: Schmidt moved, seconded by Reed to allocate **\$ 20,000** for **Quality Improvement**. Motion carried; there were no dissenting votes or abstentions.

VI. CHAIR'S REPORT

Reed introduced Jonah Weinberg, the new Executive Director at the Autism Society of Minnesota.

Weinberg talked about this year's Autism & Employment Forum that will be held on October 24, 2013 and hosted by Cargill in Hopkins. The Forum will feature a component for families and individuals with Autism Spectrum Disorder (ASD) to get some tips and tools for finding and maintaining employment; and a separate component for employers to learn how businesses are utilizing this talent pool. He hopes to be a regular attendee at Council meetings.

Reed said that, in talking about the Olmstead Plan, the most important focus is on employment.

Megan said that TSE will be contracting with the AuSM to train the TSE staff so they are certified to work with individuals with ASD.

The ReelAbilities Film Festival is coming to the Twin Cities this year. Partnership Resources was selected to host this year's festival, which will be held the first week in November; and films from around the world will be featured.

Reed said that the person who interviewed him about the Film Festival also introduced him to Danny Woodburn from the Seinfeld series who has agreed to schedule some classes for aspiring actors with disabilities.

Reed said that, for the past two years, he has attended the Partners in Policymaking graduation. The July issue of *Access Press* carried an article about Partners and a picture of Jennifer Reiter, a Class 30 graduate, and her family. Reiter has worked with the Guthrie Theatre in a marketing capacity and doing inclusion programs. Reed will also be working with Reiter on the Film Festival.

Reed shared an award that Shamus O'Meara received from Ally People Solutions (formerly Midway Training Services) at a Community Celebration event in July. O'Meara was instrumental in getting document imaging work for MTS.

VII. PUBLIC POLICY COMMITTEE

Reed reported that the Committee discussed the Olmstead planning document, and provided comments and feedback. He then invited additional comments from Council members.

Stern said that the top two priorities in his small group were employment and individual supports. He attended the first Listening Session in St. Paul and noted that Minnesota is way behind regarding the concept of inclusion. There seems to be greater acceptance among young people in areas where viewpoints have been historically biased, such as gay rights.

Jonah Weinberg noted that individuals with invisible disabilities need to step forward and talk about disabilities. AuSM has had these discussions.

Reedy said that employment was a big topic in his group. He's had pretty good experience working in the community but most people haven't, and we all struggle to find meaningful employment. Reedy quoted Paul Wellstone by saying that we all do better when we all do better.

Nelson said that low self esteem and building confidence are big issues. We should try to work with people to make their own decisions and not do for them.

McPhail School of Music was mentioned. The School has always been a pioneer in music education, and they understand diversity and inclusion. Morale is better

in a truly integrated employment environment. A diverse workforce makes for a better company. There is a difference between a diverse workforce and an inclusive workforce.

Reed emphasized that this is all extremely important input for the Olmstead Plan.

IX. EXECUTIVE DIRECTOR'S REPORT

Wieck provided the following updates and highlights from monthly reports:

1. The Council's final allocation for FFY 2013 is \$966,956. This represents a reduction of \$12,000 more than expected. The President's budget restores level funding for FFY 2014.
2. Final Rule 40 recommendations were submitted to the Court Monitor on June 17, 2013 and to the District Court on August 2, 2013. Professor Fredda Brown, City University, New York, has been retained by Ferleger to prepare a report on whether these final recommendations reflect best practices.
3. The Department of Human Services, Commissioner's Office, issued a Respect and Dignity Practices Statement that leads to positive supports.
4. The Olmstead Subcabinet is meeting monthly. Listening sessions have already been held in St. Paul and Moorhead. Two additional sessions will be held in Duluth on August 13, 2013 and Rochester on August 19, 2013. All input will be shared with state agencies.
5. Several national subject matter experts have been retained and are conducting webinars on Olmstead related topics/issues. Tony Records, the Pennhurst Court Monitor, has been hired to provide overall direction for writing the Olmstead Plan. The deadline for the next draft is September 10, 2013.
6. The next Court Monitor's report will focus on Anoka and St. Peter.
7. Two TPT projects are being financially supported with the *Cy Pres* fund. The Disability Justice Resource Center will feature Federal District Court Judge Donovan Frank, Magistrate Judge Steve Rau, Minnesota Supreme Court Associate Justice Wilhelmina Wright, Dakota County Attorney Jim

Backstrom, Professor Elizabeth Schiltz, Professor Stephen Befort, Laurie Vasichuk, Tiffany Sanders, Pamela Hoopes, Tom Nelson, and Shamus O'Meara.

The documentary has been delayed for three months because Steve Spencer was reassigned to another project. Production is expected to begin again in the fall; Spencer still has the Council's input for the documentary.

8. Regarding employment issues:
 - a. The National Governor's Association Conference was held in Milwaukee August 2-4, 2013. Delaware Governor Markell presented a report on hiring people with disabilities
 - b. An Executive Order was prepared for Governor Dayton. The Order is being processed through Minnesota Management and Budget but vetting had not been completed in time for the NGA Conference.
 - c. RespectAbility was scheduled to meet with Governor Dayton to discuss disability issues.
 - d. The Project SEARCH website was released; notice went out to Council members.
9. Better Government for a Better Minnesota updates have been made regarding the "Telling Your Story" and Autism apps, and MNDisability.gov; a new statewide newsletter has been issued and highlights projects.
10. The July "Moment in Disability History" featured Justin Dart and Jeff Moyer; the month of August featured Judge Frank Johnson and the Partlow case (Alabama) that set out 35 minimum constitutional standards and 14 individual rights for individuals in institutions.
11. The selection process for Partners in Policymaking Class 31 has been completed. Melissa Winger and Matt Kramer were recognized and thanked for helping with the selection process.

12. Council materials were delivered to the State Council on Disability for their exhibit at the State Fair.
13. The Request for Proposal for the state contract for document imaging/scanning is in process.
14. Midwest Special Services has developed an E-Trac system, a web based job skills training program; a Bremer grant was received to make E-Trac available in Greater Minnesota.
15. The Patrick Schwarz video interview on inclusive education has been posted on the Council website as a new feature.
16. A total of 137 stakeholder surveys will be sent out tomorrow; results are included in the Council's annual Program Performance Report to the Administration on Intellectual and Developmental Disabilities.
17. The appointment/reappointment process for Council members will begin this fall; three members have completed six years of service (two terms); six members have five years of service (one year remaining); and 14 members have completed three years of service and are eligible for reappointment.

X. ADJOURNMENT

Reed asked that the meeting be adjourned.

MOTION: Schmidt moved, seconded by Kuntz to adjourn the meeting.

The meeting was adjourned at 2:20 p.m.

Respectfully submitted,

Colleen Wieck
Executive Director