

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

Wednesday, December 5, 2018
12:15 p.m. to 2:30 p.m.
Continuing Education and Conference Center
University of Minnesota St. Paul Campus
1890 Buford Avenue, St. Paul, Minnesota 55108

MINUTES

MEMBERS PRESENT

Senator John Hoffman, Chair
Ashley Bailey, Vice Chair
Michelle Albeck
Wendy Berghorst
Ariana Dionisopoulos for
 Alex Bartolic
Lisa Emmert
David R. Johnson
Eric Kloos
Mary Martin
Noah McCourt
Randy Miller
Jillian Nelson
Stacey Nelson
Kate Onyeneho
Carolyn Perron
Jacki Rightler
Reid Scheller
Lee Shervheim
Bonnie Jean Smith
Heather Tidd

STAFF PRESENT

Colleen Wieck
Mary Jo Nichols

MEMBERS EXCUSED

Alex Bartolic
Jim Lovold
Dan Reed

MEMBERS ABSENT

Pamela Hoopes
Hanna Barr
Alan Willensky

GUESTS

The Honorable Michael Davis,
 Senior US District Court Judge
The Honorable Donovan Frank
 Senior US District Court Judge
Mary Kay Kennedy, Advocating Change
 Together, Inc.,
Leanne Negley, Support Person for
 Stacey Nelson
Garrett Petrie, Department of Education
Felicia Philibert, Southside Services
David Quilleash

I. CALL TO ORDER

Senator Hoffman, Council Chair, called the meeting to order at 12:15 p.m.

II. INTRODUCTIONS

Everyone present introduced him/herself.

III. APPROVAL OF AGENDA

Senator Hoffman asked for approval of the Agenda.

The Agenda was approved by consensus.

IV. APPROVAL OF MINUTES FOR OCTOBER 3, 2018

Senator Hoffman asked for approval of the Minutes as written for October 3, 2018.

MOTION: Berghorst moved, seconded by Hoopes to approve the Minutes as written for October 3, 2018. Motion carried; there were no dissenting votes.

V. CHAIRS REPORT

There was no Chair's report.

COUNCIL PROGRAM

Colleen Wieck asked that Pamela Hoopes introduce today's program, and United States District Court Judges Michael Davis and Donovan Frank, each of whom shared their perspective on the Universal Declaration of Human Rights.

Hoopes began by noting that both of these distinguished jurists have done so much to protect and promote the civil and legal rights of people with disabilities and others who face barriers to equal access to justice. Her introduction follows:

Judge Michael Davis has served on the federal bench in Minnesota for almost 25 years. He was appointed to Minnesota's Federal District Court by President Clinton, confirmed in March 1994, and served as Chief Judge for seven years from 2008 to 2015.

Prior to his appointment to the federal bench, he was appointed by the late Governor Rudy Perpich as a state district court judge where he served for about 11 years.

Judge Davis graduated from Macalester College in St. Paul, and the University of Minnesota Law School. He began his legal career as a criminal defense attorney with the Neighborhood Justice Center in St. Paul. From there, he worked for five years at the Legal Rights Center in Minneapolis and then five years with the Hennepin County Public Defender's Office.

In addition to his service as a judge and defense attorney, Judge Davis has also been a teacher and professor of law, serving as an adjunct professor at the University of Minnesota Law School, an instructor at the William Mitchell School of Law (now Mitchell Hamline School of Law), and at numerous legal education seminars. In all of his many endeavors, Judge Davis has been a leader in expanding and defending equal access to justice for people with disabilities, people of color, and for all in our society.

Judge Donovan Frank grew up in Spring Valley Minnesota, attended Luther College in Iowa, graduating magna cum laude; and from Hamline Law School, graduating magna cum laude and third in his class.

Judge Frank began his legal career in northern Minnesota as assistant St. Louis County attorney for eight years as. In 1985, he was appointed to the Minnesota state district court bench and served as Chief Judge of the sixteen-judge Sixth Judicial District from 1991 to 1996. He was appointed by President Clinton to the Federal District Court of Minnesota in 1998 and recently observed his 20th anniversary on the federal bench.

Over the years, Judge Frank has received many awards. He was named Trial Judge of the Year by the Minnesota Conference of Chief Judges in 1996 and received the Elaine R. "Boots" Fisher Award at the annual Federal Bar Association Convention in 2006 for his outstanding public service and dedication to diversity in the legal community.

Like Judge Davis, Judge Frank has shared his expertise and wisdom as a teacher and professor, serving as an adjunct professor at Mitchell Hamline School of Law and a judicial faculty member for Minnesota Supreme Court continuing education classes as well as numerous task forces and committees dedicated to diversity awareness, disability issues, drug education programs, and domestic abuse issues.

He is also a member of the Board of Lawyers Concerned for Lawyers (LCL) and Chair-Elect of that organization which provides support and help to lawyers and others in the legal profession.

Both Judge Davis and Judge Frank are true champions for people with disabilities and others who experience barriers to equal access to the justice system. They are truly giants of justice. Across the state of Minnesota, and nationally, Judge Davis and Judge Frank are known and respected for their work to promote and protect the civil rights, equality, and dignity for all. We are very humbled and proud to have them here today to share their wisdom and vision with us.

Judge Frank began his presentation by providing some background on the creation of the Universal Declaration of Human Rights. He emphasized that this was not an American document but a Universal name as its name declares.

The Declaration was drafted and adopted as a result of the experiences of the Second World War. This was a difficult time internationally and relationships with Russia were deteriorating but world interests were all considered in discussions about what the Declaration would contain.

Eleanor Roosevelt's appointment to the United States Delegation to the United Nations in 1946 was not well received by some state department representatives but a year later she was unanimously elected to serve as Chair of the new Commission on Human Rights. One year later, in September 1947, a single draft of the Declaration with a single author was proposed by the Commission to all member States. There was no nation that didn't try to contribute to the final document.

A composite synthesis resulted that incorporated an oriental philosophy; a Latin American wisdom that drew from the Pan American Declaration; recognized the political and civil liberties of the United States and the United Kingdom; and reflected the family, cultural, and economic issues of smaller countries. A final draft, in simple, elegant prose with a Preamble and 30 articles, was presented in the summer of 1948. Debates continued for two months.

On December 10, 1948, the Declaration was adopted by the United Nations General Assembly. Eight member States abstained from voting but there were no dissenting votes. Judge Frank's presentation is attached to these Minutes.

Judge Davis focused his presentation on two leaders of the time – Eleanor Roosevelt, for her role in bringing the concept of a human rights declaration to reality; and the late President George Herbert Walker Bush, for his signing of the Americans with Disabilities Act in 1990.

(The funeral of former President George Herbert Walker Bush was underway at the same time as our Council meeting.)

Judge Davis began by speaking of Eleanor Roosevelt as “such a strong person,” and emphasizing that we have seen so much change in civil, human, and disability rights in recent times.

In 1946, and following her appointment to the United Nations delegation, she traveled to Europe to attend a delegation meeting and begin addressing the concept of a Universal Declaration of Human Rights. Members at that meeting did not want her there but she stood up to them. She believed in and remained intent on what she wanted to achieve. She also used the press effectively to help raise awareness and understanding about a Declaration. Ultimately, she was the most popular member of the delegation.

President George Herbert Walker Bush, on the other hand, came from a different perspective. When he signed the Americans with Disabilities Act (ADA) in 1990, he said some wonderful things but he was not always a believer in disability rights issues. He opposed the Civil Rights Act of 1964 while serving as a Representative to Congress from Texas and, earlier in 1990 as President, he vetoed a civil rights bill.

At some point in his career, it could have been when talking with parents or people with disabilities or advocates, they opened the door for him to think differently about the ADA. He recognized the significance of this landmark legislation when stating at the signing –

“...every man, woman, and child with a disability can now pass through once-closed doors into a bright new era of equality, independence, and freedom.”

He understood that success with the ADA shows that we are keeping faith with our courageous forefathers when they wrote in the Declaration of Independence “that all men are created equal,” and these words have been our guide for more than two centuries.

Judge Davis closed by quoting again from President George Herbert Walker Bush -

“Together, we must remove the physical barriers we have created and the social barriers that we have accepted. Our problems are large, but our hearts are larger. Our challenges are great, but our will is greater.”

Senator Hoffman thanked Judge Davis and Judge Frank for their presentations, and helping us to celebrate the 70th Anniversary of the Universal Declaration of Human Rights

VI GRANT REVIEW COMMITTEE

Lee Shervheim reported for the Committee.

Members reviewed a draft Diversity and Inclusion Policy with a recommendation that the Council approve the Policy.

There's an increasing emphasis being placed on diversity and inclusion in the workplace, in contracting, and in purchasing. The Office of Grants Management, part of the Department of Administration, expects that each division in the Department will prepare a policy, and apply it in the grant making and grant management process.

A copy of the policy was included in Council packets. The Grant Review Committee is recommending approval.

MOTION: On behalf of the Committee, Shervheim moved, seconded by Jillian Nelson that the Policy on Diversity and Inclusion in the Grant Making Process be approved. Motion carried; there were no dissenting votes or abstentions.

The Committee also reviewed the Application for Cosponsorship Funds for Training Conferences, and clarified language about how scholarship funds can be used. A Customer Satisfaction Survey will be included with the Application so organizations that are awarded funds know the data that needs to be collected and results reported.

VII PUBLIC POLICY COMMITTEE

Kloos reported for the Committee.

Robyn Widley presented an overview of the Special Education Division, its work with other divisions within the Minnesota Department of Education (MDE) and across state agencies; and initiatives that are underway.

A Senate working group has held meetings to discuss several special education issues.

Garrett Petrie, Positive Behavioral Interventions and Supports (PBIS) Director, and Kloos provided an update about PBIS, the progress that has been made across the state in terms of the number of participating schools; the number of students that have benefitted; and the training, resources, and technical assistance that are available to encourage additional schools to implement PBIS.

VIII. EXECUTIVE DIRECTOR'S REPORT

- A. Wieck began by referencing the letter that the Council received from the Office of President George Herbert Walker Bush on the occasion of the 25th Anniversary of the Americans with Disabilities Act. His reflections are included with those of other leaders of the time who were instrumental in securing the passage of the ADA and posted with the ADA Legacy Project on the Council website.
- B. The Attorney General's Office publishes a Board Members Handbook and updates the Handbook on a regular basis. Sections from the most recent edition that are relevant to the Council and Council members were included in Council packets.
- C. The *Star Tribune* has published a series of articles, entitled "Denied Justice," by Brandon Stahl that focuses on how sexual assault cases are investigated and charged. The most recent article recognizes and includes the incidence among people with disabilities.

When the Attorney General's Working Group was convened to recommend how the criminal justice system could improve its response to reports, we asked that people with disabilities not be forgotten. A brief case was prepared; included were a white paper, a bibliography, and resources and data detailing the much higher prevalence rate among people with disabilities, and the much lower prosecution and conviction rates.

- D. Making Your Case has been updated and revised. Interviews with state legislators and legislative assistants identified what's different now with social media playing a role in communicating with elected officials on public policy issues.

E. FFY 2018 Business Results

Wieck presented the FFY 2018 Business Results. The results at the front end of the document focus on customer contacts and market reach. Data increases and decreases compared with the previous year were noted.

Details about grant projects included training session evaluation results. Pre and post IPSII scores are of particular interest and were specifically highlighted for Cultural Outreach, Partners in Policymaking®, Self Advocacy (the two SAM Regions and Ambassadors for Respect), and the Employment Project .

A copy of the FFY 2018 Business Results was included in Council packets; the Results are also posted on the Council website.

F. Wieck then provided the following updates from monthly reports:

1. There is still no action on submitting the Program Performance Reports for FFY 2017 and 2018. We are continuing to work with the federal government on the encumbrance and liquidation time periods.
2. A partial allocation for about 30 days of funding, in the amount of \$84,532.00, has been received.
3. The Olmstead quarterly report was submitted on November 30, 2018. Both the Olmstead graphs and chronology will be updated. The Olmsted Plan amendment process lasts until March 2019.
4. Prevention of abuse project:
 - a. Work has been completed on the situational videos related to the Bill of Rights for Supervised Living Facilities. What remains is packaging and posting on the Department of Health website;
 - b. Prevention of abuse campaigns were researched and a compilation of the results were forwarded to the Ombudsman Office for Mental Health and Developmental Disabilities for a Request for Proposal;

- c David Voigt, Deputy Attorney General, is the contact person for the Working Group on Sexual Assault. A package of materials, including a cover letter, bibliography, and summary documents about the incidence of sexual assault among people with disabilities was delivered.

Jillian Nelson said that the Autism Society of Minnesota has created a new unit around legislative issues; she will be coordinating those efforts.

Onyeneho asked what the new administration knows about disability, and would they like to see what we do and plan to do. Wieck noted that Lauren Gilchrist has returned to state government and is serving on the transition team. The transition team planning process includes a review of Executive Orders, which ones will and won't be continued, and priorities will be discussed.

Shervheim asked whether it was appropriate for the Council to send a letter to the transition team about disability issues when priorities are selected. In response, Wieck said that individuals could write letters and that the Council had submitted information through the Transition books for cabinet agencies. Senator Hoffman can also send a letter to the transition team.

IX. ADJOURNMENT

Hoffman asked that the meeting be adjourned.

The meeting was adjourned by consensus at 2:15 p.m.

Respectfully submitted,

Colleen Wieck
Executive Director