

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

Wednesday, February 4, 2015
12:15 p.m. – 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

Dan Reed, Chair
Ashley Bailey
Marrie Bottelton
Dawn Bly
Peg Booth for Alex Bartolic
Eric Kloos
Steve Kuntz
Barb Lundeen
Lynne Megan
Mary O'Hara Anderson
David Quilleash
Mary Raasch
Robbie Reedy
Bonnie Jean Smith
Wendy Velzke
Katheryn Ware

STAFF PRESENT

Colleen Wieck
Mary Jo Nichols

MEMBERS EXCUSED

Mary Hauff
Pamela Hopes
David R. Johnson
Jim Lovold
Alexandra Morrissey
Carolyn Perron
Mike Stern

MEMBER ABSENT

Melissa Winger

GUESTS

Matt Massman, Commissioner, Department of
Administration
Nancy Miller, Metropolitan State University
Stephanie Nelson, Southside Services
Angie Price, support staff for Marrie Bottelton
Jonah Weinberg, Autism Society of Minnesota

I. CALL TO ORDER

Dan Reed, Council Chair, called the meeting to order at 12:20 p.m.

II. INTRODUCTIONS

Everyone present introduced him/herself.

COUNCIL PROGRAM

Dan Reed introduced Kim Peck, Director, Vocational Rehabilitation Services, Department of Employment and Economic Development. Peck prepared a PowerPoint presentation highlighting changes to the Vocational Rehabilitation (VR) programs as a result of the Workforce Innovation and Opportunity Act, specifically Title IV amendments.

Peck first noted the name changes to the Rehabilitation Act of 1973. The Workforce Innovation and Opportunity Act (WIOA) replaces the 1998 Workforce Investment Act and amends the Rehabilitation Act of 1973. Resources are provided to the states and federal government for employment services for individuals with disabilities under rules that govern VR programs.

Peck said that the major changes made with the recent reauthorization were due to the dismal employment rate of people with disabilities. This legislation was a priority of Senator Harkin who wanted to see these changes enacted before his retirement. There was strong bipartisan support for WIOA but much work now needs to be done to fully realize what was envisioned and in recognition of Harkin's leadership.

The overall effective date for WIOA is July 1, 2015; however, Title IV Amendments became effective immediately when WIOA was signed into law by President Obama on July 22, 2014. Rules are expected to be published by January 22, 2016. The first draft is pending and delayed until early spring.

Peck identified the most significant changes to the Title IV amendments:

1. Three programs (NIDRR, Independent Living, and Assistive Technology Act programs) are moved out of the Department of Education to the Department of Health and Human Services, Administration for Community Living.
2. Services for youth with disabilities will increase; the expectation is that VR will step up activities and services, and be more involved with youth with disabilities before graduating from secondary education programs; 15% of funds must be invested in helping students transition from secondary education to postsecondary education and employment.

3. VR will also serve as gatekeeper for sheltered workshops/rehabilitation facility programs.
4. Greater alignment is also expected with Workforce Centers/one-stop programs.

COMMISSIONER MATT MASSMAN

There was a break in the program at this point. Commissioner Matt Massman, Department of Administration, had planned to attend a portion of today's meeting to speak with Council members. The program continued following the Commissioner's presentation.

Commissioner Massman has been in state government for awhile. Most recently, he served as Deputy Chief of Staff in the Governor's Office. For the three previous years, he served as Assistant Commissioner in the Department of Revenue. Earlier in his career, he advised both the Senate and House on budget and tax issues, and also served as Fiscal Analyst for the House.

He said that he hears many important things about the Council and asked that members first introduce themselves. He then shared some background about his experience in the disability field, dating back to the late 1970s. At that time, women in Greater Minnesota were just starting to work outside the home. His mother served on the State Council on Disability. He remembers her going into buildings in Caledonia to check on accessibility.

He thanked everyone for all of their volunteer time. Thinking in terms of values, of diversity and inclusion, a priority of the Governor, he highlighted the work being done on the Olmstead Plan and related policy issues, to ensure that all people have access to a quality life and whatever is needed to pursue their life goals.

The Commissioner then talked about the Capitol Restoration Project. This is a once in a lifetime opportunity to see parts of the Capitol building that haven't been visible for 100 years. The restoration is needed to assure that the Capitol functions well for everyone. The grand reopening will be sometime in 2017.

The Commissioner recognized staff for their leadership and work. He expressed gratitude for the opportunity to be at the Council meeting and the key role that the Department plays in the Council's work.

The Commissioner emphasized the importance of education and values. He said it's always interesting when meeting new people to listen and talk with them, and hearing the drive and passion that they bring to their work.

Reed thanked the Commissioner for coming today and meeting with Council members, and his support of the Council's work.

COUNCIL PROGRAM, cont'd.

Kim Peck then continued her presentation. She said that much work needs to be done to achieve greater alignment with the one-stop programs.

Pre-employment transition services is one area where changes are effective immediately. Transition students who are eligible or potentially eligible for VR services will be served sooner. In terms of dollars, no less than 15% of the total federal award received must be set aside for pre-employment transition services.

Peck said that VR has met with the Department of Education; there are a number of "required activities" where services have to be provided collaboratively. At the present time, schools don't have vocational counselors so that may be a priority. Once the regulations are finalized, they will be looking at what is currently being done and what needs to be done to meet these new requirements.

"Authorized activities" also relate to transition services that must be provided collaboratively but funded with dollars beyond the 15% set aside. The challenge will be what can be done with limited resources and at the local level.

Weinberg noted that Congressional intent was to start serving people much earlier. Transition students that are "potentially eligible" for VR services means that they have actually applied for VR services. Post-secondary education is also a required activity.

Smith said that if schools started using person centered planning, it would be helpful with a new way of thinking about how services are provided. Peck acknowledged that alignment with the Olmstead Plan is important.

A total of 50% of the annual award must now be reserved for supported employment services. Those funds may also be used to provide extended employment services for youth but for a limited time period of four years. At the same time, ongoing services for competitive employment must also be available.

An Advisory Committee on Increasing Competitive Employment Integrated Employment is also established under the Title IV Amendments. Peck stressed the importance of having representatives with the necessary expertise to monitor, evaluate, and make recommendations on all of the issues they will need to address. One of the most important is the use of the subminimum wage certificate. Businesses that have these certificates are prohibited from hiring an individual age 24 or young and paying less than minimum wage unless that individual has first been assessed by VR and received pre-employment services.

Peck said that there are 55 community rehabilitation providers and the majority have subminimum wage certificates. Many school transition programs have contracts with businesses that rely on subminimum wage certificates. She didn't know the status of day training and habilitation programs, and how many of these might also have subminimum wage certificates.

The gatekeeper role that VR now has means that it will be serving as an auditor. Peck was unsure how to operationalize this new responsibility. She was also unsure about what alternatives or other options might be available for individuals who won't be able to work as well as training for businesses.

Reed thanked Kim Peck for her presentation and overview of all of the VR Program changes that will be implemented under the WIOA.

III. APPROVAL OF AGENDA

Reed asked for approval of the Agenda.

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

IV. APPROVAL OF MINUTES FOR DECEMBER 4, 2014

Reed asked for approval of the Minutes as written for December 4, 2014.

MOTION: Smith moved, seconded by Raasch to approve the Minutes as written for December 4, 2014. Motion carried; there were no dissenting votes.

The order of Agenda items was changed due to the number of recommendations for cosponsorship funds for training conferences brought by

the Grant Review Committee that required motions and approval of Council members.

V. GRANT REVIEW COMMITTEE

Kloos reported the evaluation results and funding recommendations for cosponsorship funds. Ten applications were approved for funding; a total of \$20,000 was available but only \$19,255 was requested. No funding reductions needed to be made. The balance of funds in the amount of \$ 745 was reallocated in a separate motion.

Kloos reminded members about the Conflict of Interest Policy and Conflict of Interest Form. The Form must be signed if a member does not have a conflict of interest with the applicant organization. Kloos said that each of the funding recommendations will be presented separately so abstentions can be recorded.

Kloos asked for a motion to approve the application from **Advocating Change Together, Inc.** for **\$ 2,000.00.**

MOTION: O'Hara Anderson moved, seconded by Reed to approve the application submitted by **Advocating Change Together, Inc.** for **\$ 2,000.00.** Motion carried; there were no dissenting votes. Raasch and Reedy abstained.

Kloos asked for a motion to approve the application from **The Arc Greater Twin Cities** for **\$ 2,000.00.**

MOTION: Bly moved, seconded by Ware to approve the application submitted by **The Arc Greater Twin Cities** for **\$ 2,000.00.** Motion carried; there were no dissenting votes. Reedy abstained.

Kloos asked for a motion to approve the application from **The Arc Northland/SAM Northeast** for **\$ 1,575.00.**

MOTION: Reed moved, seconded by Raasch to approve the application submitted by **The Arc Northland/SAM Northeast** for **\$ 1,575.00.** Motion carried; there were no dissenting votes. Reedy abstained.

Kloos asked for a motion to approve the application from **The Arc Southeastern MN/SAM Southeast** for **\$ 2,000.00.**

MOTION: Reed moved, seconded by Raasch to approve the application submitted by **The Arc Southeastern MN/SAM Southeast** for **\$ 1,575.00**. Motion carried; there were no dissenting votes or abstentions.

Kloos asked for a motion to approve the application from **The Arc United** for **\$ 2,000.00**.

MOTION: Reed moved, seconded by O'Hara Anderson to approve the application submitted by **The Arc United** for **\$ 2,000.00**. Motion carried; there were no dissenting votes. Reedy and Bly abstained.

Kloos asked for a motion to approve the application from the **Autism Society of Minnesota** for **\$ 2,000.00**.

MOTION: Velzke moved, seconded by Bailey to approve the application submitted by the **Autism Society of Minnesota** for **\$ 2,000.00**. Motion carried; there were no dissenting votes. O'Hara Anderson and Quilleash abstained.

Kloos asked for a motion to approve the application from the **Epilepsy Foundation of Minnesota** for **\$ 1,980.00**.

MOTION: Velzke moved, seconded by Lundeen to approve the application submitted by the **Epilepsy Foundation of Minnesota** for **\$ 1,980.00**. Motion carried; there were no dissenting votes or abstentions.

Kloos asked for a motion to approve the application from the **Minnesota Organization of Habilitation and Rehabilitation** for **\$ 2,000.00**.

MOTION: Bly moved, seconded by Smith to approve the application submitted by the **Minnesota Organization of Habilitation and Rehabilitation** for **\$ 2,000.00**. Motion carried; Velzke dissented. Megan and Reed abstained.

Kloos asked for a motion to approve the application from **Reach for Resources** for **\$ 1,700.00**.

MOTION: Reedy moved, seconded by Reed to approve the application submitted by **Reach for Resources** for **\$ 1,700.00**. Motion carried; there were no dissenting votes or abstentions.

Kloos asked for a motion to approve the application from **West Central Industries** for **\$ 2,000.00**.

MOTION: Bly moved, seconded by Raasch to approve the application submitted by **West Central Industries** for **\$ 2,000.00**. Motion carried; there were no dissenting votes or abstentions.

Kloos asked for a motion to reallocate \$ 745 in Cosponsorship Funds to Electronic Government Services.

MOTION: Quilleash moved, seconded by Bly to reallocate \$745 in Cosponsorship funds for training conferences to Electronic Government Services. Motion carried; Velzke dissented. There were no abstentions.

VI. CHAIR'S REPORT

Reed asked to any comments regarding Kim Peck's presentation.

1. There was concern about statements about the subminimum wage issue and that technology would somehow solve everything
2. The emphasis on job development was important; there's not enough being done to match jobs with people's skills.
3. Once the regulations are finalized, it would be good to have another presentation.
4. It's good to know that VR will be starting services earlier while young adults/students are still in school.

Reed announced this year's ReelAbilities Film Festival that will also celebrate the 25th Anniversary of the Americans with Disabilities Act. Partnership Resources has scheduled an informational meeting on February 12, 2015. Flyers about the Film Festival and Call for Films were handed out to Council members.

VII. PUBLIC POLICY COMMITTEE

Reed reported that Beth Fraser, Commission of Deaf, DeafBlind, and Hard of Hearing Minnesotans, presented an update on the Centralized Accommodation

Fund. Legislation is needed to create the Fund. Bill language is being drafted; an annual appropriation of \$500,000 will be requested. Committee members offered ideas about a funding source and objectives for the Fund.

Reed noted that no such fund exists at the present time. He invited additional comments from Council members

1. We want our children hired because of their qualifications, not because they have a disability.
2. If accommodations are needed, that would require disclosing a disability; disclosures would no longer be by choice but out of necessity.
3. Aren't agencies already supposed to be providing accommodations? If so, there's no need for a fund.
4. Certain divisions are expending more than half of their budgets on accommodations.
5. A study on the issue is pending completion; some level of support for the concept would seem to make sense.
6. In the past, agencies would call the Department of Education to request accommodations. The fear about creating a fund is that businesses and agencies would not own the outcome. Hiring individuals with disabilities may require some level of accommodations but that's a cost of doing business.
7. How many new hires are there? Who is coming into the system where accommodations may be needed? These questions are different from the question about an employee who is already in the system but whose status has changed.

Reed also reported that Roberta Opheim, Ombudsman for Mental Health and Developmental Disabilities, provided background on the Jensen Settlement Agreement and updates about related issues.

Reedy shared the story that Opheim presented to the Committee about the man living in an industrial area. Bottelson was particularly concerned about this man being alone all day.

Megan said that she heard about the situation and hopes that something will be done sooner rather than later to implement a plan for him, and to do so as quickly as possible. She recommended that a letter be written in support of efforts by the Ombudsman's Office to expedite the planning process.

MOTION: Megan moved, seconded by Reedy, to prepare a support letter, also noting how long it has taken to find an appropriate living situation for this individual. Motion carried; there were no dissenting votes.

In response to Bly's question about whether the Ombudsman's Office has seen an increase in calls regarding these types of situations, Wieck said there has been an increase; people are also being held in a hospital due to lack of an appropriate placement and services.

VIII. EXECUTIVE DIRECTOR'S REPORT

Wieck provided the following updates and highlights from monthly reports:

1. The annual Program Performance Report (PPR) was submitted on time. The impact that our grant projects and activities are having on individuals with developmental disabilities and families is now being emphasized by the Administration on Intellectual and Developmental Disabilities.
2. The Governor's budget includes a line item for the Olmstead Implementation Office and a fellowship program that would be run out of the Council's office. Two members suggested preparing a support letter;
3. Items regarding the Settlement Agreement and Olmstead Plan:
 - a. The Governor's Office issued a new Executive Order to continue the Olmstead Subcabinet. Mary Tingerthal, Commissioner, Minnesota Housing Finance Agency was named to serve as chair;
 - b. There is a backlog of 43 overdue reports. The Court Monitor's December report noted that two-thirds of report deadlines have been missed. Comments are being provided for all Court Monitor Reports;
 - c. Subcabinet meetings are scheduled for February 9 and March 12, 2015. One major item is the waiting list report;

- d. A revised Olmstead Plan is due March 20, 2015. Measurable goals must be included and they must be transformative. The Federal Court has stated that "aspirational goals" don't meet this requirement and goals in the current version of the Olmstead Plan are "neither strategic nor measurable;"
 - e. The Jensen Implementation office submitted its 6th Status Report in January.;
 - f. The rulemaking hearing on the Department of Human Services Positive Support Rule is scheduled for February 23, 2015. The final rule will is expected to be adopted in August 2015.
4. Moments in Disability History:
- a. The January "Moment" focuses on the "hidden army," those individuals who truly understood what it meant to have a disability. Tony Coelho was a member of this army; his personal experiences with discrimination are included in a video of his testimony during an ADA hearing;
 - b. The February "Moment" identifies some of the many women leaders who were instrument in securing the passage of the ADA.
5. A new national mobile exhibit is being planned around the 25th Anniversary of the ADA. One design would feature an interactive video on the inside of the bus.

IX. ADJOURNMENT

Reed asked that the meeting be adjourned.

The meeting was adjourned by consensus at 2:30 p.m.

Respectfully submitted,

Colleen Wieck
Executive Director