

BOARD OF VOCATIONAL REHABILITATION (BVR)
DECEMBER 9-10, 2004
RAMADA INN & SUITES – SIOUX FALLS

MEMBERS PRESENT: Lynn Boettcher Fjellanger, Julie Carpenter, Jessie Easton, Beth Haug, Brady Kerkman, Grady Kickul, Thomas Kober, Ron Ronshaugen, Larry Tolzin, Monte Tschetter and Dave Vogel. MEMBERS ABSENT: Travis Hamilton, Mary l'atala, Shelly Schock and Katie Seymour. OTHERS PRESENT: Bernie Grimme, Cindy Stewart, Julie Paluch, Jolene Salestrom, Colette Wagoner and Lorie Jirschele.

WELCOME AND INTRODUCTIONS: Chairperson Lynn Boettcher Fjellanger brought the meeting to order at 1:00 p.m. and welcomed everyone in attendance. HOUSEKEEPING ITEMS – Members were reminded to please raise their hands in addition to saying yea ore nay whenever a vote was cast. OPENING ACTIONS – APPROVAL OF AGENDA – BVR staff asked to add the Department of Human Services (DHS) grant application and requested letter of support to the Division Director's Report. **MOTION TO APPROVE THE AGENDA AS AMENDED MADE (M), SECONDED (S) AND CARRIED (C).** APPROVAL OF MINUTES – **MOTION TO APPROVE THE SEPTEMBER 20-21, 2004 MEETING MINUTES, AND THE EXECUTIVE COMMITTEE MINUTES FROM OCTOBER 28 AND NOVEMBER 23, 2004 – MSC.**

PUBLIC COMMENT: Lynn passed out a flyer publicizing an upcoming fundraiser for the 2006 Dare to Dream Conference entitled "Building Dreams–A Night to Remember" (see attached).

DIVISION DIRECTOR'S REPORT: DIRECTOR'S COMMENTS – Grady welcomed everyone in attendance, and introduced Cindy Stewart, District Supervisor with the Division of Rehabilitation Services (DRS) in Sioux Falls. Grady announced that the Department of Human Services (DHS) was in the process of applying for a grant through the National Center for Disease Control (CDC). The grant would focus on prevention of secondary conditions and promotion of healthy lifestyles in persons with disabilities. The South Dakota (SD) Department of Health declined to pursue the grant, but is supporting DHS in their effort to apply. Funding

for the first year would be in the amount of \$125,000. If the grant were approved in SD, a statewide advisory council would be formed, which would include at least 50% persons with cross disabilities. Staff read an abstract of the grant for the member's information (see attached). The Department has subcontracted with Black Hills Special Services Cooperative to write the grant proposal. If awarded, the Department of Human Services would administer the grant, and subcontract with BHSSC to provide staff support. Grady indicated that the Department is seeking a letter of support from the Board. After further discussion, BVR staff was directed to compose a letter of support on behalf of the BVR, signed by Chairperson Lynn Boettcher Fjellanger, to be included with the grant application. Grady mentioned that the Statewide Independent Living Council (SILC) is involved with promotion of a statewide 15th anniversary celebration of the Americans with Disabilities Act (ADA) that will be held on July 26th in Sioux Falls. They are looking for support and for people to come and participate. BVR will also be approached for support. Dave mentioned the idea of scheduling a BVR meeting in conjunction with the celebration. Grady stated that the Federal Assistive Technology Act passed on October 25th. Currently, SD receives \$325,000, but the minimum allotment is increasing to \$410,000. DakotaLink is the governing body and a council will be appointed. A member of the SILC is required to sit on the assistive technology council, and yesterday SILC voted in favor of Gary Wald filling this vacancy. A member of the Workforce Development Council must also be chosen to serve. Grady recommended asking David Scherer from DakotaLink to speak about this program at a future meeting. Grady stated that the Individuals with Disabilities Education Improvement Act (IDEIA) also passed. Brady said that as a provision to IDEIA, school districts could now recoup court costs from parents and attorneys who bring frivolous lawsuits against school districts. He also mentioned that SD Advocacy Services and the Client Assistance Program (CAP) would be monitoring this development. Grady added that because of legislative wrangling, rehabilitation and transition were left out of IDEIA. He indicated that many responsibilities were added to the legislation without funding mandates. If reauthorization of the Rehabilitation Act is attempted in the future, BVR might be asked for its support. Lynn indicated that South Dakota Parent Connection has been tracking IDEIA closely and have side-by-side comparisons with the

IDEA '97 legislation available at their office. If anyone is interested in seeing this document they should e-mail Lynn directly. She also stated that there are issues of concern to parents and educators about the concessions that were made to pass IDEIA. The question was raised as to whether the Bill had been signed by the President and Lynn said that it was signed last Friday, but was not broadcast on mainstream national news. Grady spoke about the Disability Starter Kits being used by Social Security Administration (SSA) for those persons applying for benefits on-line and over the telephone. He has asked for information on the effectiveness of this method and how often it is used. Monte, who works for SSA has not seen many on-line applications. Grady stated that SSA wants to streamline the application process, but has done very little advertising of available methods. Monte indicated that in a rural state like SD, the convenience and cost effectiveness of taking applications on line seems very beneficial. Grady expressed his concern over how user friendly the process really is. He added that this process might be something the BVR should promote. Jessie worried that face-to-face interviews provide more disability related information while Internet and phone applications do not. Monte stated that appearance does not matter in most cases and that 95% of interviews done today are not done face-to-face. He added that the medical form is the primary tool used in making the judgment for eligibility. Monte said that even with on line application, phone contact is often made with the applicant because of errors on the form. Grady asked whether members thought the Division should encourage consumers to use these starter kits and the on line process. The consensus was to make people aware of it as an option.

DRS BUDGET UPDATE – Grady stated that the Governor gave his Budget Address this past Tuesday and it focused on education, protecting society and taking care of persons who cannot take care of themselves. The DRS Budget was passed as requested. The inflationary figure was projected to be anywhere from 1.4% to 2.2% and would not be finalized until the budget hearings. DRS is specifically looking at an increase in case services and a \$257,516 increase for psychiatric and psychological exams. Beth asked Grady if there were any surprises in the budget. Grady answered that the only real surprise was the Governor's request to add over 300 full time employees to state government. Grady announced that the Legislative Session would start on January 11th, and would be

dealing in part with the frustration of more and more federal mandates.

YEAR END RESULTS/PERFORMANCE INDICATORS – A handout entitled “FFY 2004 Year End Results of All Cases” was distributed to the members (see attached). Bernie reviewed the contents of the document noting that the number of applications for services has gradually increased thus increasing caseloads. Bernie then reviewed the standards and indicators stating that SD met all six indicators for standard one and the indicator for standard two. Consumer satisfaction surveys were mailed out, and by the next meeting, results should be in. Grady added that the number of Rehabilitation Counselors has increased to keep up with the increasing caseloads, and if the number of applicants for services keeps rising, the caseloads might someday become unmanageable. Bernie said that the average caseload per counselor is approximately 100-110 individuals. Grady stated that seven years ago persons with the most significant disabilities comprised only 50 percent of the caseload, but this number has now grown to over 90 percent. Grady explained that the Division is serving more people with significant disabilities due to improvements with service delivery systems and technology. The question was asked - where are people with less significant disabilities being served? Grady replied that he believes more individuals with disabilities are being served by the Department of Labor.

DRAFT/FINAL POLICIES – The Division received one comment from South Dakota Advocacy Services on the draft policy ‘Applicant for Vocational Rehabilitation Services and Availability for the Assessment Process’. The change was incorporated and the program guide was finalized November 22nd (see attached handout). Training will begin next week for key Department of Corrections (DOC) staff on an introduction to Rehabilitation Services, and later DOC will train DRS Supervisors on the different types of correctional facility releases. The remainder of DRS staff will receive training during the Mid-Winter Conference. Bernie stated that the Divisions (DRS and SBVI) are developing a referral form to be utilized by DOC staff. This form will enable VR to start gathering necessary information, determine types of releases needed, etc. Bernie introduced another draft program guide ‘Appropriate Division for Referrals’ (see attached). The draft program guide will be posted on the Division’s website for further comment. Bernie encouraged members to be in touch with Grady or him with any questions, comments or edits. Grady said that

Bernie recently met with representatives from the Bureau of Indian Affairs (BIA) to share a ruling from Rehabilitation Services Administration (RSA) on the question of BIA funds being considered for matching fund requirements for the Project Skills Program. RSA ruled that even though BIA funds are technically Federal, they are exempt from being treated as Federal funds for matching purposes. Therefore, BIA schools could be included in Project Skills Programs (see attached handout). Grady indicated that the Transition Services Liaison Program (TSL) would begin implementing Project Skills in one BIA school. STATE REHABILITATION COUNCIL (SRC) TRAINING IN 2005 – An initiative was brought forward to train various board members on the history and philosophy of public VR programs. Grady stated that all Chairpersons of rehabilitation councils would be included in these RSA sponsored training forums. He, Lynn and Colette would be asked to attend, and certainly if anyone else had a particular interest, their attendance would also be considered. Grady distributed a preliminary training announcement to members (see attached). The training format is “train-the-trainer,” which would allow attending members to return to SD to train other members.

TICKET TO WORK & WORK INCENTIVES IMPROVEMENT ACT (TWWIIA) UPDATE: Bernie examined the current status of Ticket to Work across the country and noted that SD continues to hold second place as to the percentage of tickets assigned to an employment network. He circulated a copy of the Ticket assignments as of November 24, 2004 (see attached). He then shared a memo on the GAO findings on the current viability of TWWIIA (see attached). Bernie reviewed a memorandum on the Benefits Specialists Project, which outlined the selection, duties, training and compensation of the four persons chosen to be Benefits Advisors/Specialists (see attached). These persons were recruited within the VR delivery system and thus can share advice and optimism from their personal experiences. The names of the Specialists and their territories are: Craig Eschenbaum serving the Aberdeen area, Donna Krause serving the Watertown and Brookings area, Jolene McCloud serving the Yankton area and Kim Cook serving the Rapid City area. With the addition of these four Benefits Specialists, the total will be at six, where according to demand, SD needed to be at five years ago. Grady announced that Joel Niemeyer, Chairperson of the Freedom to

Work (FTW) Steering Committee would be joining the meeting tomorrow to talk more in depth about this project.

WORKFORCE DEVELOPMENT COUNCIL UPDATE: Larry indicated that the last meeting of the Workforce Development Council (WDC) was held in Spearfish. The business community will be targeted by a national initiative to hire veterans. SD will meet all performance measures so there is the strong likelihood that we will receive future funding under the Workforce Investment Act (WIA). This success is a direct reflection of all the hard work. Larry announced that the first graduate of the Springfield Carpentry Apprentice Program has found employment and is earning over \$11 per hour. DOL is committed to youth who have participated in alternative schooling to having access to Career Learning Centers. An awards banquet will be held in Spearfish, where the WIA Adult Participant of the Year will be honored. This year the winner is a DRS consumer from Yankton. The next WDC meeting will be held January 6th in Pierre. Grady wants to insure that a WDC member is appointed to serve on the (....?....). Dave asked for some discussion on the reauthorization of WIA and with it WDC. Grady said that there were attempts in the House and Senate to resolve the differences in their respective WIA Bills. A compromise could not be reached, so they will be taking a whole new look at WIA and the Rehabilitation Act. The Senate version will be the starting point for new legislation. With a new Congress, there may be some difficult issues brought to the surface. Reauthorization of the Bill is already a year overdue.

STATEWIDE IINDEPENDENT LIVING COUNCIL (SILC) UPDATE: Grady declared that the last SILC meeting adjourned yesterday at noon in Sioux Falls at this same location. A large part of the meeting dealt with the use of strategic planning funds. These funds will be growing over a period of time, so guidelines and a process of application for organizations to apply for special programs throughout SD needed to be finalized. Announcement of the availability of these funds will be made around July 1st. Brady stated that the SILC would not fund programs that offer duplicate services. Grady said that because outside organizations have come forward with requests for funding, ground rules were needed for an awards process. The SILC is now working on those guidelines.

STATEWIDE NEEDS ASSESSMENT UPDATE: A total of 39,360 phone call attempts were made to contact the telephone numbers purchased for the Statewide Needs Assessment. From those calls, 4,480 interviews were accomplished, and out of those interviews, 738 households were identified as having someone with a disability. A one-page summary of the calling process was distributed (see attached). Grady indicated that the BVR developed the initial questions for the first assessment, and over a span of ten years, three assessments have been revised and completed. Now the developing trends in transportation, socialization, and employment etc. can be analyzed. Tom asked how it was known if a TTY device was used on a call. Grady answered that the interviewers found that out when they made the initial contacts. Dave asked if the percentage of persons with disabilities had been determined, and Grady suggested having Randy Stuefen provide an overview at the next meeting and respond to these types of questions. Grady said that they look forward to seeing the comparisons between the three different surveys. A question on the cost of the project was raised and members were told the assessment cost approximately \$60,000 to complete.

REGIONAL CONTINUING EDUCATION PROGRAM/NATIVE AMERICAN LEADERSHIP TRAINING UPDATE: BVR has committed up to \$2,000 for stipends for transition age Native American youth to attend a disability leadership training set for May 19th in Rapid City. Grady stated that at yesterday's SILC meeting, they learned that a request for funding by the Native American Advocacy Program/Tateya Topa Ho had not been approved for the Disability Summit. During a planning meeting last week, Shelly Pfaff and Greg Brandner were made aware that RSA refused funding for one of the presenters. It was suggested to them during the phone conversation that the promised stipend money could be used instead to help fund a presenter. Grady stated that he found this suggestion disturbing. The money BVR had committed was earmarked for stipends so that young people could afford to attend the training. He added that when the entire planning committee meets in January via conference call, this matter would be brought up. The question was raised as to whether the event planners from the Native American Community could find funding for an additional speaker within their own

resources. Grady answered that he did not know, but would find out during the January meeting.

The meeting concluded for the day at 4:00 p.m.

The meeting reconvened at approximately 8:30 AM.

BVR COMMITTEE REPORTS: EXECUTIVE COMMITTEE - Lynn, Committee Chairperson, reported that a draft report was handed out prior to everyone sitting down. The section outlining activities of the Board had been drafted and reviewed by the committee. The section containing the Division's activities will be updated once the fiscal year end data is finalized. Members were asked to review the report and contact BVR staff by December 17th if they had any corrections or additions. A question was asked regarding the purpose of the report, and Grady responded that the Rehabilitation Act requires the Board to submit an annual report to the Governor and the RSA Commissioner. The annual report will be submitted before the end of December. A draft outline for new board member orientation was discussed. Orientation will be held in conjunction with the March meeting and any member is welcome to attend. Members were asked to review the draft outline, and if there was something they would like addressed, which does not appear on the outline to be in touch with BVR staff. CONSUMER SERVICES COMMITTEE - Brady, Committee Chairperson, reported that the committee has not met this quarter; therefore there was nothing to report. A question was raised regarding the committees, how they meet, etc. It was explained that the majority of committee meetings are scheduled via conference calls. Typically, BVR staff contacts all committee members regarding availability, schedules the conference call, and forwards dial-in instructions to the committee members in addition to other items necessary for the meeting (i.e., draft documents, policies). PUBLIC AWARENESS COMMITTEE - BVR staff reported that nominations for the 2005 Governor's Awards were disseminated in early November and to date, four nominations have been received. Grady reported that he and Secretary Oldenkamp were working with the Governor's Office staff on arrangements to have the Governor present. If the Governor is unable to attend, the Department is interested in asking Chris Nelson, Secretary of

State, to present the awards on the Governor's behalf. The suggestion was made to ask Chris Nelson to provide the keynote address whether the Governor was able to attend or not. Thus, if the Governor were called away at the last minute, Chris Nelson would be in attendance to present the awards. Every attempt will be made to obtain the Governor's attendance. In addition, notification will be disseminated to the award recipients at least 2-3 weeks prior to the event on who the presenter will be. A question was asked of the members as to who would be willing to serve on the ad-hoc committee to review the nominations. This committee reviews the nomination forms and makes their selections, which are then forwarded to the Department, and on to the Governor's Office for final approval. The three members who volunteered to serve on selection committee included: Brady Kerkman, Dr. Jessie Easton and Monte Tschetter. The committee would also receive technical assistance from DRS staff, Bernie Grimme. Grady reminded members that this is a Board sponsored event, therefore if members attend, their travel will be reimbursed. A summary of the 2004 National Disability Employment Awareness Month activities was reviewed and handed out (see attached). Grady reported that he visited with BVR staff about creating a summary booklet to utilize as a public relations tool. The booklet remains a 'work in progress'.

FREEDOM TO WORK PROJECT (FTW) PROJECT UPDATE: Joel Niemeyer, Chairperson of the FTW Steering Committee, was available to provide the project update. Joel began by stating that this project is designed to encourage and assist people with disabilities to go to work. The grant is ending its 3rd year and the project is currently awaiting word on the application for year four funding. Joel talked about three areas the project is working on. 1) WorkWorld - a computer software program that would allow individuals or benefit specialists to calculate benefits. The Division is exploring the best approach of how to train individuals on the system (i.e., train the trainer approach). 2) Personal Attendant Services (PAS) Program – is set up, however no one has taken advantage of it yet. The current Medicaid State Plan was amended to extend PAS in the work place. 3) Medicaid Buy-In – the project is looking at potential changes to Medicaid in 2006 that would provide continued Medicaid coverage to individuals with disabilities as they return to work. The Division is working

with the Department of Social Services to project the increase in costs of services for Medicaid. MISCELLANEOUS ITEMS - Mike Walling will return to South Dakota to present his Benefits and Employment Workshops the weeks of April 25, June 20, August 15 and October 3. Dan Rounds is doing a lot of outreach with employers and SHRM (Society of Human Resource Managers) groups across the state. Joel expressed his thanks to the Board for their recent appointments to the FTW Steering Committee. Dave commented on the WorkWorld computer software, indicating that this system will have a library of available services. He suggested having a demonstration of WorkWorld presented at the next meeting. Joel referenced the Ticket to Work Annual Report, and he encouraged anyone who had not yet read it to do so. Grady complimented Joel on the report and thanked him for coming on behalf of the Board. He also highlighted Paralyzed Veterans of America (the organization which Joel works for) and all the work they do in support of people with disabilities (i.e., ADA celebration, Get Out the Vote).

PRELIMINARY DIALOGUE ON STATE PLAN PUBLIC MEETINGS: Lynn reminded members that last year the Board and Division held a luncheon and hosted exhibits at conferences to gather public comment. Grady indicated that if the Department of Labor (DOL) does not amend the Workforce Investment Act Unified State Plan the due date to the federal government would be July 1st. However, if the plan were amended the due date would be April 1st. This impacts the Board and Division, because the Division's State Plan is submitted as an attachment with DOL's State Plan. This timing impacts the need of when to host public meetings to gather input. Grady will contact DOL to find out if they are going to amend the state plan or not. There was more dialogue on the best approach to gathering public comment and consensus was to host luncheons in conjunction with the Mike Walling training sessions, combining efforts with other entities as they did last year. **MOTION TO HOST TWO LUNCHEONS IN CONJUNCTION WITH THE MIKE WALLING TRAINING SESSIONS IN APRIL TO GATHER PUBLIC COMMENT - MSC.** After further discussion, the Board recommended having one luncheon West River and one East River. The Board will suggest hosting a training session in either Brookings or Aberdeen to the FTW Steering Committee.

OTHER BUSINESS: Grady provided members with a copy of the “State Plan Submission Process” utilized last year (see attached). He noted that a similar timeframe would be utilized for the State Plan Process in 2005. The handout referenced which attachments were required to be updated and when the draft documents would be posted on the Division’s website for public comment.

CLOSING ACTIONS: FUTURE AGENDA ITEMS – Suggestions for future agenda items were: invitation to Dave Scherer to talk about the Assistive Technology Act (requirements, what is South Dakota doing); Year End Results – Performance Indicators; invitation to Randy Stuefen to provide an overview of the Statewide Needs Assessment survey results; and a WorkWorld demonstration. SCHEDULE NEXT MEETING - The Board agreed to meet either March 16/17 or 22/23 in Pierre depending upon available accommodations and the ability to overlap with the SILC meeting. ADJOURNMENT – **MOTION TO ADJOURN - MSC.**