

BOARD OF VOCATIONAL REHABILITATION (BOARD)
DECEMBER 11-12, 2006
RAMADA INN & SUITES – SIOUX FALLS

MEMBERS PRESENT: Lynn Boettcher Fjellanger, Dr. Jessie Easton, Kathleen Hassebrook, Beth Haug, Mary l'atala, Brady Kerkman, Grady Kickul, Thomas Kober, Ron Ronshaugen, Dan Rounds, Larry Tolzin and Monte Tschetter. MEMBERS ABSENT: Melissa Flor, Shelly Schock and Kati Seymour. OTHERS PRESENT: Bernie Grimme, Dr. Alan Davis, Cynthia Stewart, Shelly Pfaff, Colette Wagoner and Lorie Jirschele. Interpreters were Julie Paluch and Marlee Dyce.

WELCOME AND INTRODUCTIONS: MEETING PROTOCOL – Chairperson Tom Kober welcomed all in attendance and asked each person to introduce him/herself. Tom then reviewed the meeting protocol. OPENING ACTIONS – APPROVAL OF AGENDA – MOTION TO APPROVE THE AGENDA MADE (M), SECONDED (S) AND CARRIED (C). APPROVAL OF MINUTES – MOTION TO APPROVE THE SEPTEMBER 25-26 MEETING MINUTES – MSC. MOTION TO APPROVE THE NOVEMBER 27 EXECUTIVE COMMITTEE MEETING MINUTES – MSC.

PUBLIC COMMENT: There were no public comments at this time.

DIVISION DIRECTOR'S REPORT: DIRECTOR'S COMMENTS – Grady welcomed Cindy Stewart, Sioux Falls District Supervisor for the Division of Rehabilitation Services (DRS) to the meeting, and thanked her for attending. Grady noted that State and Federal elections had been held since the last meeting. This was the first occasion for public use of accessible voting machines in a South Dakota (SD) election. He added that so far, he had not heard of any negative comments. Grady expected that a final summary of voting machine use would be coming from the Secretary of State's office. One result of the election was that State employee time and use of State vehicles was being more fully scrutinized. **WORKFORCE**

INVESTMENT ACT (WIA) REAUTHORIZATION – The fourth year without WIA reauthorization has just been completed. Grady indicated that the 109th Congress did not come to an agreement on a new budget so the new Congress will be taking it up in a few months. He predicted that with the changeover, the negotiating process would start all over. If reauthorization does come, it will take most of 2007 to enact the Bill. Staff distributed copies of a position paper on the reauthorization of WIA drafted by the Council of State Administrators of Vocational Rehabilitation (see attached). Grady reviewed parts of the document and encouraged members to study it further. He promised to keep members informed on the status of WIA reauthorization.

DRS BUDGET UPDATE – Grady stated that the Governor's annual address was given on December 5th. One of his key topics was that of mandatory funding. Grady indicated that any proposed budget increase would almost be taken up by funding mandates passed onto the State from the Federal government. He added that the effect could be seen in the upcoming downsizing of the Career Learning Centers throughout our State from cuts in Federal funding. The Department of Human Services' (DHS) budget request for DRS will be similar to last year's. Only two programs, Assisted Daily Living Services (ADLS) and provider inflation will receive increases. Five persons will be added to the ADLS Program for an increase of \$200,000. Provider inflation of approximately 3% will go to independent living centers (CILS) and ADLS providers. Grady underlined that fiscally this was a very difficult time for states.

YEAR END RESULTS – PERFORMANCE INDICATORS – Bernie stated that they were very pleased that DRS had passed all seven performance indicators during the past year. Copies of the draft DHS DRS FFY 2006 Year End Report were distributed to members (see attached). Bernie noted that results from the consumer satisfaction survey had not yet been received. He then highlighted certain aspects of the report and opened the floor to questions and comments. Grady observed that the implementation of an Order of Selection was something that was predicted three to four years ago by monitoring trends in the economy. Bernie stated that one area of needed improvement was that of increased hourly/annual wages for

people with disabilities in SD. He said that strategies were being developed to accomplish this goal. Discussion ensued on meeting standards and indicators in the future. Grady and Bernie indicated that even with an Order of Selection, and fewer people coming into the system, they were required to serve at least one more person than last year. A question arose as to cost efficiency of contracting with private providers, and with evaluation of their services. Bernie answered that it has been a good choice for consumers and that contracts were renewed every two years. MAWD WORK INCENTIVE- Grady explained that the Medicaid Buy-In has been renamed Medical Assistance for Workers with Disabilities (MAWD). A handout describing MAWD and the four criteria for eligibility was distributed to members (see attached). This same information has been sent to all VR counselors around the State. Grady stated that no premium would be required, but that participants would be responsible for some type of co-pay. He reviewed the content of the handout and said that initially, the program would be somewhat restrictive. As more individuals receive the benefit, there may be an opportunity to raise the asset limit and/or unearned income limit. Grady asked members to refer consumers who might qualify for MAWD to he or Greg Brandner at DRS or to Hoby Abernathy or Cassie Stoeser at Black Hills Special Services. One member asked if MAWD was designed so people with disabilities could keep their jobs and also have healthcare. Grady answered that it was, and that it was also a way in which consumers could get off cash benefits. FAIR HEARING DECISION – Bernie stated that the Division received its first mediation request in five years. A handout was distributed reviewing the due process hearing decision (see attached). One member asked what qualified the hearing officer. Bernie responded that she was employed by the SD Judicial System as a hearing examiner. He added that the process is made up of three steps, informal review, mediation and due process hearing. It is up to the individual asking for the review of the case to which one will be used. Grady stated that the Division is always interested in settling at the lowest possible level. RSA 2005 ANNUAL REVIEW REPORT – Grady referred to the RSA 2005 Annual Review document that had

been previously mailed to members. He stated that it was the first report received under the new RSA, and that it was quite different from past reports. One positive finding of the report was the Department's contract with the South Dakota Coalition of Citizens with Disabilities (Coalition) to provide staffing and logistical arrangements for the Board and Statewide Independent Living Council (SILC). RSA called this arrangement a "promising practice" that would be shared with other states. Bernie highlighted other key items in the document and opened the floor for questions and discussion. One member asked why cases were reopened. Bernie stated that some individuals start receiving services, but then lose contact with DRS. Their cases are then closed, but sometimes these people resurface. RSA 2006 ONSITE MONITORING REVIEW– Two handouts including an e-mail from our RSA State Liaison Sue Rankin-White entitled "2007 SD State Agency Monitoring" and the "Monitoring Process and Protocol for Vocational Rehabilitation and Independent living Programs" were distributed (see attached). Grady mentioned that Ms. Rankin-White had asked that her communication be shared with the Board. He stated that a conference call was scheduled between Rankin-White, Gaye Mattke from the Division of Service to the Blind and Visually Impaired (SBVI) and himself to discuss next year's monitoring visit from RSA. A five-person team including Rankin-White and representatives of RSA's VR, fiscal, data, and IL units will be in SD in June. Grady noted that they will seek input from the State Rehabilitation Council (The Board) at that time and that their findings will be shared with Tom as Chairperson to be passed on to members via the staff. Bernie stated that he had copies of the RSA screening tools for those who were interested. ALAN DAVIS - SDSU/MASTERS IN REHABILITATION PROGRAM – Grady introduced and welcomed Dr. Alan Davis from South Dakota State University (SDSU). Dr. Davis left his work in Montana to start a masters program in VR Counseling at SDSU. Dr. Davis explained a survey that he conducted regarding threats made to VR counselors. He stated that after surveying counseling staff in Montana, he did the same in SD, and he was intrigued that this problem existed at all. One statistic that startled him was that over 1/3 of child protection service workers in Montana

received direct death threats in a 12 month period. He explained that things have changed over the years in American life. There is lack of impulse control by certain people in society. When these people do not receive the answers they are looking for, they are more prone to make threats of violence. Dr. Davis stated that out of 50 SD counselors surveyed, they received 31 responses. Those in their job for longer than 10 years made up 45% of respondents. He noted that this is a much different statistic than from other states. Although SD has a large proportion of veteran counselors, the incidents of threats were significantly lower than in Montana. He emphasized that when 31 people make up the total respondent pool, only a few people could make up a high percentage. Dr. Davis broke down the types of threats into the following categories and percentages:

- Telephone 45%
- E-mail 19%
- Letter 25%
- Spoken Word 54%

He noted that the majority of threats were predominately impulsive, and made without written documentation. Non-verbal threats were also surveyed; they included gestures, gaze, posture and tone of voice. Respondents were asked to explain the effects of being threatened. Dr. Davis shared the following results:

- Felt less effective in their work 41%
- Felt resentment 41%
- Thoughts of career change 19%
- Lowered expectations 29%

- Lowered sympathy/compassion 41%
- Suffered depression 38%

Dr. Davis said that he had not had time to evaluate all of the data, but he underlined that counselors are the human face of the agency. One member asked if threats would increase because of the implementation of an Order of Selection. Bernie stated that after two months, there had been no complaints and Grady added that it was probably too early for feedback. Dr. Davis stressed that counselors would surely benefit from added training in handling crisis situations. Another member made the comment that in spite of all these threats, only one case had gone to due process in five years. Grady added that some offices, which are co-located, have begun taking security actions including name badges and locked doors. He thanked Dr. Davis for speaking to the Board and for the valuable information.

ORDER OF SELECTION: An Order of Selection Update and 4th Quarter Budget Expenditure Report were distributed to members (see attached). Grady stated that the Order of Selection has had little or no response. He believed that this was due in part to a smooth transition and well-trained staff. This first report has only two months of data, but it is suggesting that case services are spending out at a lower rate than the previous two years. Entire 1st quarter information should be available by December 31st. Grady predicted that they might be able to start serving people on the Category II waiting list early in the New Year. He then referred to the expenditure handout stating that they want to be sure that all monies were well spent. Bernie added that they must look at the longitudinal picture – if action had not been taken, by FY09 they might have had to put everyone on an Order of Selection. One member expressed concern about those persons on the waiting list who were not receiving Social Security. She was afraid that many people were not eligible for VR services and thus were not receiving any needed services. Bernie answered that DRS does provide referral information to the Career, Mental Health and IL Centers. Grady added that it depends on the

significance of a person's disability. Under the Rehabilitation Act, they can refer consumers to other agencies, but that is all they can do. Ron remarked that the process hinges on the most severe cases, the persons with the most functional limitations receiving services. Those cases move more slowly than others. Further discussion on Order of Selection ensued. Grady concluded that success rested on whether counselors were categorizing their consumers correctly. He said that this was not an enviable position to be in.

WORKFORCE DEVELOPMENT COUNCIL (WDC) UPDATE: Larry reported that the Department of Labor (DOL) had been awarded \$1,000,000 in the event Ellsworth Air Force Base had closed. Now, \$250,000 of those monies will go to fund a study on what closing of Ellsworth would have meant to SD. Larry stated that SD Job Corps had received a good rating from the Federal Government. He commented on a statewide apprenticeship program for electricians and an alternative high school in Brookings, which were working quite well. Grady noted that an awards banquet for employers was held October 4th during the annual Labor Conference. He stated that WDC members were told of the impending termination of funding for Career Learning Centers, and that some centers might be closing. Grady also reported on the status of Order of Selection. The next meeting of WDC is scheduled for January 4th when they will look for alternatives as we approach this extensive funding loss.

STATEWIDE INDEPENDENT LIVING COUNCIL (SILC) UPDATE: Grady indicated that the SILC would meet tomorrow and Wednesday. The SILC and CILS are among the stakeholders RSA intends to keep close contact with. Prairie Freedom Center was chosen to receive an on-site review next year. Members are currently looking at developing a new three-year plan and holding public meetings.

STATEWIDE NEEDS ASSESSMENT UPDATE: RSA places great importance on the Statewide Needs Assessment so Grady asked that it be made a standing agenda item. The University of SD completed the last assessment at a cost of \$50,000. The Consumer Services

Committee is analyzing goals and strategies for the next four years, which will include a needs assessment that is more cost efficient. Grady stated that members would be hearing from the committee tomorrow.

The meeting was recessed for the evening at 4:20 p.m.
The meeting reconvened at 8:30 a.m. Tuesday morning.

FREEDOM TO WORK CAREER DEVELOPMENT TEAM: Shelly Pfaff, a member of the Freedom to Work (FTW) Project staff elaborated on their new pilot program, the Career Development Team (CDT). She stated that a diverse team of individuals was working together to assist people with disabilities who have tried to become employed, but for whatever reasons, could not. She listed members of the team as being Sioux Falls representatives from DRS, DOL, human resources and a technical institute, Mike Frost of the Business Leadership Network and two persons with disabilities who are employed. Initially, eight interested individuals were contacted about the program. Four of those responded and three actually applied. Staff then met one on one with the applicants to explain the process. Next, a sub-group of the CDT met with each individual to assess their skills and interests, and to gather further information. The whole CDT then met to brainstorm and come up with solutions for each participant. These ideas were then shared with the applicants. Shelly stated that CDT members would meet again on January 9th to re-evaluate the process. Members will be asked if they wish to recommit to the program, and to comment on what worked and what did not. Shelly explained that this was not a new concept, but rather a take off on Person Centered Planning. She stated that it was still a work in progress and that they were considering duplicating in Aberdeen and Rapid City. Kathy stated that the CDT was a good fit for Aberdeen because of existing involvement in the community including the Employer Resource Network (ERN). Grady expressed excitement about both pilot programs adding that we need to find ways to replicate them in communities across the State, both urban and rural. He added that although rural areas may lack agency offices, they

have their own supports in the form of employers, family, friends etc. Shelly noted that the consumers are active partners in determining why they have been unsuccessful in obtaining/maintaining employment. One member mentioned the town of Milbank as an example of rural success; people have been placed who have not been working before.

FREEDOM TO WORK EMPLOYER RESOURCE NETWORK: Dan explained that ERN was formed in Aberdeen as a result of three years of collaboration between FTW and their local Society of Human Resource Managers (SHRM) chapter. The goal of ERN is to challenge employers and VR providers to collaborate, so that more persons with disabilities can go to work. ERN has been given 10 minutes at each monthly SHRM meeting to present two profiles of individuals who are looking for employment. Kathy added that once ERN got its foot in the door a partnership developed between VR personnel and the HR group. Kathy passed around an example of a diversity information tip sheet that they use at the SHRM meetings. She stated that everyone associated with the group needs to be a teacher; the project needs to be taken state and nationwide. Dan said that it had become evident that each community needed champions for this program to succeed and that Kathy and Kim Crossan from VR are the champions in Aberdeen. He added that two presentations were being developed that outlined the program, one for human resource managers and one for the general public. Staff asked if ERN would consider sharing the presentations at a future Board meeting. Grady noted that ERN was a spin-off from National Disability Employment Awareness Month (NDEAM) activities over the last few years, and that the Board has provided funding for those efforts. He added that ERN was developing a template that would work in communities across the State. Bernie indicated that the provider component i.e., approaching employers and sharing job leads are also incorporated, which has improved working relationships for everyone.

OVERVIEW OF UNITED WE RIDE: Shelly Pfaff, now speaking as the Executive Director of the Coalition described their collaboration with the SD Department of Transportation (DOT) on the United We Ride Grant. DOT applied for and received a \$35,000 grant to develop a framework for action for transit services in SD. They in turn contracted with the Coalition for Shelly's time to work with them on the project. Stakeholders including DOL, Department of Social Services and the Department of Health were surveyed with regards to public transit. Transit providers were also surveyed as to their funding sources and board configurations. Shelly indicated that the next part of the project would be to go out to approximately 10 SD communities and gather further input. A variety of people will be contacted to see how they view public transit in their communities. SD DOT publishes a yearly report on rural transit. Shelly suggested that Board members review this document if they want further information. Statistics show that there are 22 hub communities and that there is much diversity in what types of rides are given – medical, employment, social, nutritional and shopping. The cost of a ticket ranges from \$1.25 to \$2.00, and even with such low fees, it has been a tough sell to raise them. At the most, fares only make up 25% of transit funding. The other portion is made up of State and Federal dollars. As expected, rural transit is under funded in comparison with urban transit. Shelly noted that the group would try to look at all the pieces of the puzzle to develop the framework for action and submit it by June. The floor was opened for questions and discussion. One member asked what modes of transportation were covered under transit and Shelly answered that it was strictly motor vehicles. Another asked about private versus public ownership. Shelly indicated that over 90% of providers were corporations. One area in which Shelly would like to see change is in the number of people who use public transportation services represented on transit boards. Also, the old stereotype of independence and driving ones own car needs to be challenged. A member commented that as a parent, she was pleased to have conversation about other types of supports as well as employment; the individual's voice should be the loudest, but we can supply the team effort to provide a network of supports. Grady noted that FTW

has been around for six years. There has been a sense of frustration because it is a systems change project. He reiterated that change happens one person at a time. Services need to be directed toward the individual so they can have a sense of ownership.

BVR COMMITTEE REPORTS: EXECUTIVE COMMITTEE – Staff distributed copies of the “BVR Annual Report of Activities for Fiscal Year 2006” (see attached). Referring to the handout, Colette stated that the Rehabilitation Act requires the Board to compile an annual report to the Governor and RSA. She explained that this is a joint informational report of the Board and the Division. She asked that members forward any comments or edits to staff before December 31st. CONSUMER SERVICES COMMITTEE – Brady noted that the Consumer Services Committee is made up by himself, Dan, Mary, Beth and Jessie with Colette as staff and Bernie providing technical assistance. They last met on November 17th to discuss public meetings. It was suggested to coordinate public meetings with Mike Walling training and/or ERN and SHRM meetings in Aberdeen and in Rapid City with Behavior Management Services job club. They also discussed holding a full Board meeting in conjunction with the Rapid City event in either March or May. The committee re-worded goals for the State Plan, while identifying strengths and weaknesses of the State Agency. A handout outlining their progress was distributed (see attached). Grady commented that he liked the format of the handout and that it could be used as a springboard for our State Plan strategy. Bernie added that the content of the document could also be used as the beginning of a new needs assessment. Discussion ensued on which venues to use for public meetings. Grady announced that after committee members worked out the details, the Board could support the Aberdeen event including a speaker and public luncheon up to \$5,000. **MOTION TO APPROVE UP TO \$5,000 TO SUPPORT HOSTING AN EMPLOYER SEMINAR AND PUBLIC LUNCHEON IN ABERDEEN – MSC.** PUBLIC AWARENESS COMMITTEE – Larry reported that the 2007 Governor’s Awards nomination packets were disseminated in November. So far, five nominations have been received. The photographer and menu have been confirmed. He

added that the Division and Board of Service to the Blind and Visually Impaired (SBVI) have committed a minimum of \$500 towards the Luncheon so that tickets can remain at \$10.00 per person. Larry asked for three member volunteers to review the nominations and to make final recommendations via conference call. Ron, Monte and Larry volunteered their services for Governor's Awards selection with Bernie acting as technical advisor. An "Evaluation of NDEAM Event or Activity" handout was distributed (see attached). Colette stated that during a recent supervisors meeting for the Division, she learned that during the month of October smaller events or activities were happening which might have gone unreported (presentation to groups i.e., Lions, Rotary Club; vigil). She stated that each community is unique and planners know what works for their area. Grady added that the DRS supervisors and staff have really taken a hold of NDEAM. This has also helped rejuvenate some of the Mayor's advisory committees around the State. Grady noted that NDEAM keeps growing every year and has become truly significant in honoring people with disabilities.

OTHER BUSINESS: There was no other business at this time.

CLOSING ACTIONS: FUTURE AGENDA ITEMS – One item noted for discussion at a future meeting was the PowerPoint presentation Dan Rounds was working on for ERN. SCHEDULE NEXT MEETING – Members requested that staff plan the next meeting on March 22nd and 23rd in Rapid City in conjunction with the Behavioral Management Services job club meeting.

ADJOURNMENT: **MOTION TO ADJOURN – MSC.** The meeting ended at 11:00 a.m.