

**BOARD OF VOCATIONAL REHABILITATION (BVR)  
MEETING  
MARCH 15-16, 2004  
HOLIDAY INN EXPRESS  
FORT PIERRE, SD**

NEW BOARD MEMBER ORIENTATION: Bernie, Brady and Colette held a new member orientation before the start of the regular meeting. Attending were Mary l'atala, Dr. Jessie Easton, Kati Seymour and Monte Tschetter. An outline of the orientation is attached.

MEMBERS PRESENT: Jessie Easton, Travis Hamilton, Pam Hericks, Mary l'atala, Brady Kerkman, Grady Kickul, Thomas Kober, Michelle Powers, Ron Ronshaugen, Kati Seymour, Monte Tschetter and Dave Vogel. MEMBERS ABSENT: Lynn Boettcher Fjellanger, Patty Mechling, Shelly Schock and Larry Tolzin. OTHERS PRESENT: Bernie Grimme, Julie Paluch, Jolene Salestrom, Heather Konz, Colette Wagoner and Lorie Jirschele.

WELCOME AND INTRODUCTIONS: Dave Vogel called the meeting to order at 1:15 p.m. for Chairperson Lynn Boettcher Fjellanger who could not attend due to poor weather conditions. Dave welcomed all in attendance and asked that everyone introduce himself or herself.

OPENING ACTIONS: APPROVAL OF AGENDA – **MOTION TO APPROVE THE AGENDA WAS MADE (M), SECONDED (S), AND CARRIED (C).** APPROVAL OF MINUTES – The suggestion was made to change the wording on page two of the December 10-11, 2003 minutes in regards to the opening of the satellite offices. **MOTION TO APPROVE THE DECEMBER MINUTES AS**

**CORRECTED, MSC. MOTION TO APPROVE THE  
FEBRUARY 25, 2004 EXECUTIVE COMMITTEE  
MINUTES, MSC.**

**PUBLIC COMMENT:** Stepping out of role, Colette passed out registration and informational materials on the upcoming Dare to Dream Conference to be held June 20-22 in Pierre (see attached). Colette asked members to get the word out and encouraged them to attend. Switching back to her BVR staff role, she then passed around a get-well card for Patty Mechling who had recent surgery.

**DIVISION DIRECTOR'S REPORT:** **DIRECTOR'S COMMENTS** – Grady welcomed all members who made it in spite of the weather and welcomed Mary l'atala to her first meeting. He stated that the BVR, Statewide Independent Living Council (SILC), Board of Service to the Blind and Visually Impaired (BSBVI) and Freedom to Work Steering Committee (FTWSC) are looking at the possibility of a joint meeting sometime in the future. Grady announced that Ron Ronshaugen retired from the Division of Rehabilitation Services (DRS) in December, but has since been rehired. The Governor's Awards Luncheon was held last Tuesday at the Ramkota Hotel in Pierre. Grady emphasized that the BVR has a role in selecting the award recipients with final approval coming from the Governor. Deb Bowman, who had worked in the disability arena for over 20 years, presented the awards on behalf of Governor Rounds. Grady reported he received a concerned call from Larry Tolzin regarding the Governor's inability to present the awards the past two years. Due to Larry's absence, Grady asked if this could be an item for discussion at the next meeting. **LEGISLATION** – Grady informed members that March 15<sup>th</sup> is "Veto Day" in the Legislature. Legislature reconvenes to consider any overrides of the Governor's vetoes. Two bills were passed

as introduced by the Department of Human Services (DHS) which, involved discharge of patients with developmental disabilities from Redfield or Adjustment Training Centers after involuntary commitment and the creation of a certification board for drug and alcohol counselors. Two bills of interest to DRS did not pass, but have sparked follow-up action. House Bill 1280 sought to bring greater attention to accessibility guidelines under the Americans with Disabilities Act (ADA). The Bill had great opposition from the SD Municipal League, SD Retailers, Bureau of Administration and the Association of General Contractors among others. Although the bill failed, Legislators urged sponsors, proponents and opponents to meet and begin a dialogue. Ryan Green from the North Central Chapter of Paralyzed Veterans of America (PVA) has sent a letter to all involved urging a meeting. Steve Stewart, Rehabilitation Engineer for DRS and expert on the ADA has been asked to attend. Grady asked that Ryan be invited to the next BVR meeting to explain what they hope to accomplish with these meetings. Much discussion ensued on building codes, state accessibility codes and reasons why House Bill 1280 was defeated. However, people were encouraged by the follow-up meeting requested by Legislators. Senate Bill 147 proposed to create a fund for traumatic brain injury (TBI) and spinal cord injury research and rehabilitation services passed the Senate, however while in House Committee, it was agreed it would be a fund created by Executive Order of the Governor. Funding (\$188,000) will be made available for the next three years in support of this initiative, but equal match of funds must be secured. Copies of the press release regarding the Governor's initiative and the names of those who were named to the Advisory Council were distributed (see attached). A member then made it known that House Bill 1221 was signed by the Governor requiring providers of curriculum to make text books available

electronically. DRS BUDGET UPDATE – Grady reported that DRS received more money than the Governor’s Budget initially requested. The provider inflation rate was approved at 3% instead of the proposed 1.5%. The DRS SFY04 total budget, which goes into effect July 1st is \$17,730,475, a \$625,549 or 3.5% increase over last year. Grady indicated that increases were received in the following areas: Attendant Daily Living Services (ADLS) Program and client services. The Division also received expansion in federal funds to utilize Social Security Reimbursement Funds and Disability Determination Services received federal authority to increase spending. Grady concluded his budget report with mention of the approved contract that DRS has with CSD to provide Telecommunication Relay Services for persons who are deaf or hard of hearing.

FFY 2003 YEAR END REPORT – Bernie distributed bound copies of FFY 2003 Year End Report to members and reviewed the data in each section (see attached). Bernie then invited members to contact him via phone or email with any questions. Grady invited members to look it over at their leisure and any questions could be delayed until the next morning.

FFY 2003 FEDERAL REVIEW – A report previously mailed to the members indicated that all State VR Agencies are annually reviewed. South Dakota’s last review was in July of 2003. Marian Fuller from Rehabilitation Services Administration (RSA) met with Grady and Bernie in Sioux Falls and toured the Career Center. Last year the focus of the review was on transition age students. Items noted as corrective actions included training on IPE requirements and presumptive eligibility, but none of the findings were considered at a noncompliance level. RSA has scheduled the 2004 review for the week of May 17<sup>th</sup> in Pierre. This year the review will focus on case service records, third party agreements, homemaker closures and Standards and Indicators. While in South Dakota, Marian Fuller will interview the Client

Assistance Program Director, consumers and the Chairperson of the BVR. DRAFT/FINAL POLICIES- Bernie distributed a draft document entitled "Procedures Document for Vocational Rehabilitation Services for Individuals Diagnosed with Alcohol or Other Chemical Dependency or Abuse" (see attached). The content was developed with the intention of providing consistent procedures for rehabilitation staff across the state. Brady, on behalf of the Consumer Services Committee, asked what the protocol is for drafting a policy of this nature and if this is something that should go through committee. Grady and Bernie explained that this is a procedural change for DRS staff, and not a policy change. Grady indicated that if the Consumer Services Committee wished to review the contents of the procedural guide, they would have until the end of March. Another issue raised by a member concerns persons currently housed within the corrections system, and whether the Division can take an application from an individual while incarcerated. This process will require a great deal of discussion and research of Federal regulations, i.e. taking an application of an individual still in prison, substantial impediments to employment, when is the individual available for services.

(Tom Kober arrived late to the meeting due to inclement weather). Tom asked Dave to continue chairing the meeting until morning.

#### TICKET TO WORK & WORK INCENTIVES IMPROVEMENT

ACT UPDATE: Bernie and Grady met with David Miller who was appointed by Senator Daschle to the Ticket to Work Advisory Panel to discuss the implementation of the ticket program. The three took part in a healthy dialogue on why this well intended program is not living up to expectations and what changes might be considered to make it work more effectively. Bernie circulated and reviewed a chart showing

ticket distribution/assignments throughout the states (see attached). To date, 331 individuals have assigned their ticket to one of the two state vocational rehabilitation agencies in South Dakota. The Division used the heads up approach by sending out an informational booklet outlining the program before the actual tickets were mailed.

WORKFORCE DEVELOPMENT COUNCIL UPDATE:

Grady provided this report in Larry's absence. The last meeting was held January 7<sup>th</sup>. At the next meeting scheduled for April 7<sup>th</sup>, funding proposals will be reviewed for programs under the Workforce Investment Act including Career Learning Centers and youth programs. Grady will present the Draft State Plans for DRS and Service to the Blind and Visually Impaired (SBVI) to seek the Council's endorsement. The two State Plans are submitted as attachments to the Department of Labor's State Unified State Plan.

STATEWIDE INDEPENDENT LIVING COUNCIL UPDATE:

Grady presented the report on behalf of Travis who was absent from the December meeting. A joint meeting was proposed between the SILC, BVR, BSBVI and Freedom to Work Steering Committee. The SILC discussed funding for the next fiscal year and election of officers was held. Election results were: Chairperson - Tom Kober, Vice-Chair - Eileen White, and Member at Large - Joel Niemeyer. Larry Tolzin's term has expired, thus the need to solicit nominations from across the state. Grady indicated that \$250,000 in unutilized funds were transferred to the Home Modification and Assistive Devices (HMAD) Program. The Independent Living (IL) Centers will utilize these one-time funds to build additional ramps and to do further home remodifications.

STATEWIDE NEEDS ASSESSMENT: There was nothing to report on this standing agenda item. Tom Kober did remind Grady and Bernie of the need to use TTYs to reach deaf and hard of hearing persons during the survey process.

STATE PLAN SUBMISSION PROCESS: Bernie reported that the Draft State Plan attachments were made available March 3<sup>rd</sup> on the Division's website. Individuals are able to visit the website, review the documents and submit their comments to the Division. Bernie explained the two components of the State Plan document: the preprint and the attachments. He then reviewed six draft attachments and suggested changes made by the Consumer Services Committee (see March 3<sup>rd</sup> 2004 Consumer Services Committee meeting notes for all suggested edits). The Workforce Investment Act (WIA) has yet to be reauthorized, so staff is continuing to modify attachments from the last plan. When WIA is passed, a new, complete five-year plan must be developed. Grady added that RSA has sent guidance on the submission process and welcomed comments from the Board. Brady extended a thank you to Bernie on behalf of the Committee for his time in explaining and reviewing the attachments and answering questions.

The meeting was adjourned for the day.

The meeting reconvened at 8:30 a.m. and was brought to order by Tom Kober, Vice-Chairperson. Tom asked if anyone had questions relating to the year-end report presented yesterday, and there were none.

STATE PLAN PUBLIC MEETINGS: Grady explained that the Board and Division are required under the State Plan Submission process to gather public input. Grady spoke of the history of hosting public forums and having very low

attendance. Subsequently, the Board and Division have been brainstorming different approaches to obtain meaningful input. Instead of asking the public to come to a meeting, it was decided go to an event that would be well attended by consumers. SIOUX FALLS – Mike Walling will be at the Sioux Falls Ramkota Hotel on Tuesday, April 27<sup>th</sup> to conduct benefits and employment training. During the noon break, a luncheon will be served and a public meeting held. This meeting will be co-hosted by the BVR, SILC, BSBVI, FTW, and both Divisions. Attendees will be seated at round tables with representatives of the boards and councils along with Division and BVR/SILC staff facilitating. A group of questions has been formulated to use in case of a lull in the discussion. Jessie, Kati, Brady and Dave all thought they might be available to attend on behalf of the Board. RAPID CITY – The Native American Summit will be held May 18-20 at the Best Western Ramkota Hotel. DRS and BVR will host a booth for half a day to gather public input. Grady, Travis, Mary and Dave volunteered. SPEARFISH – Dave and Bernie will be attending the Learning Disability Association Conference at the Spearfish Holiday Inn Convention Center, June 20-22, and will be available to host the booth. PIERRE – The Dare to Dream Conference will also be held June 20-22, at the Best Western Ramkota Inn in Pierre. Lynn and Colette agreed to host the booth for the BVR since they will be at the conference supervising booths for SD Parent Connection and the Coalition. Michelle volunteered to be a backup for the booth in Pierre, and stated that this was a wonderful idea to get public feedback.

**BVR COMMITTEE REPORTS:** EXECUTIVE COMMITTEE  
– The Executive Committee met by conference call on February 25<sup>th</sup>. They discussed the Governor’s Awards Luncheon, the public meeting process and Board member

terms. Larry Tolzin has some issues with the Governor's Luncheon that will have to be discussed at a future meeting. Solicitation for nominations for Board members will go out in April or May. Four members' terms have already expired or will expire on July 1<sup>st</sup>. Tom Kober, Shelly Schock and Mary l'atala are eligible to serve another three-year term, and they were asked to let Colette know their intentions of serving again. Grady expressed that the Board is losing an outstanding member, Pam Hericks, due to term limits and thanked her for her involvement. A representative from business, industry and labor will be enlisted to take Pam's place. CONSUMER SERVICES COMMITTEE – Results of a client satisfaction survey are being compiled and will be reviewed prior to the next BVR meeting. Questions and format need to be reviewed for timeliness, while keeping in mind that major changes could affect the ability to analyze the data over time. Bernie explained there are three different survey forms, which are disseminated during specific time intervals of the rehabilitation process i.e., application, plan development and closure. The question was raised if a table could be created to compare the results over the last three fiscal years. PUBLIC AWARENESS COMMITTEE – The Public Awareness Committee met by conference call on March 2<sup>nd</sup>. Michelle reported that applications for National Disability Employment Awareness Month (NDEAM) funding were reviewed. DRS has always been very supportive of these activities and has pledged \$6000 to this years' events. This is in addition to \$9,000 that the Board has allocated. The committee did not turn down any requests, but some amounts were reduced to encourage communities to go after supportive funding. Michelle then distributed and discussed a synopsis of proposed NDEAM activities (see attached). She reiterated that if a community could not make its funding goal, the committee would reconsider its funding request. Grady described NDEAM as

a wonderful BVR sponsored event, which keeps growing every year. Each activity helps to increase awareness of the benefits of hiring persons with disabilities throughout South Dakota communities. Board approval of the committee's funding decisions would be needed. **MOTION TO**

**APPROVE NDEAM FUNDING AS PROPOSED, MSC.**

Colette then reported on the Governor's Awards Luncheon. She confirmed that 223 tickets were sold and staff was waiting for a few outstanding invoices to be paid. Comments received by staff included the food was very good and hot and individuals preferred the event without a speaker because it focused more on the award recipients. A suggestion was made to have musicians perform during the meal. Staff will look into that possibility for next year. One issue needing to be addressed is the Governor's busy schedule and his inability to present the awards. Grady indicated that this would be an agenda item at the next meeting.

**CLOSING ACTIONS:** FUTURE AGENDA ITEMS – The following items were recommended for the next meeting's agenda: the Governor's Awards Luncheon, follow-up on House Bill 1280 and subsequent meetings, finalizing the State Plan Document and follow-up on BVR's exhibit at the Native American Summit. **SCHEDULE NEXT MEETING** – The next meeting will be held May 24<sup>th</sup> & 25<sup>th</sup> in Mitchell. Mitchell's new vocational rehabilitation counselor will be invited to attend.

**ADJOURNMENT:** The meeting adjourned at 10:10 a.m.