

BOARD OF VOCATIONAL REHABILITATION (BVR)
SEPTEMBER 20-21, 2004
GOVERNORS INN – PIERRE

NEW MEMBER ORIENTATION: BVR staff held a brief orientation for new members Beth Haug and Julie Carpenter before the start of the regular meeting. Travel arrangements, vouchers and State Travel Reimbursement rates were discussed. Staff also explained their role and responsibilities in regard to the BVR, and future orientation topics.

MEMBERS PRESENT: Lynn Boettcher-Fjellanger, Julie Carpenter, Jessie Easton, Travis Hamilton, Beth Haug, Mary I'atala, Brady Kerkman, Grady Kickul, Thomas Kober, Ron Ronshaugen, Shelly Schock, Kati Seymour, Larry Tolzin, Monte Tschetter and Dave Vogel. MEMBERS ABSENT: Patty Mechling. OTHERS PRESENT: Bernie Grimme, Dave Miller, Brooke Lusk, Shelly Pfaff, Hoby Abernathy, Cassie Stoesser, Barb Rohrbach, Julie Paluch, Ann Munce, Colette Wagoner and Lorie Jirschele.

WELCOME AND INTRODUCTIONS: Chairperson Lynn Boettcher Fjellanger brought the meeting to order at 1:00 p.m. (CDT). For the benefit of new members and guests, everyone on the Board introduced him/herself. Lynn thanked everyone for their support during her family's ordeal with the flooding in Sioux Falls. She also announced that due to unforeseen circumstances, there would only be one interpreter that day, so breaks would be taken every 45 minutes. OPENING ACTIONS – APPROVAL OF AGENDA – Grady asked that his report on Draft/Final Policies be held over until the next morning when the Consumer Services Committee reports out. **MOTION TO APPROVE THE AGENDA AS AMENDED, MADE (M), SECONDED (S), AND CARRIED (C).** APPROVAL OF MINUTES – members were

asked to approve all three sets of minutes listed on the agenda.
MOTION TO APPROVE THE MAY 24-25, 2004 MEETING MINUTES AND THE EXECUTIVE COMMITTEE MINUTES FROM JUNE 28 AND AUGUST 30, 2004 – MSC.

PUBLIC COMMENT: Lynn opened the floor for public comment. Beth asked her to explain the purpose of the public comment period. Lynn answered by saying that state law requires an open meeting to schedule a time for public comment. Grady added that it is put on the agenda first thing so visitors do not have to wait through the entire meeting to speak, and it also allows individuals to address issues or concerns that are not on the agenda.

DIVISION DIRECTOR'S REPORT: **DIRECTOR'S COMMENTS** – Grady welcomed Beth Haug and Julie Carpenter to the Board, and he congratulated Mary I'atala on her reappointment. **KOREAN WAR MEMORIAL** - He spoke about the South Dakota (SD) Korean War Memorial dedication that took place in Pierre on the previous Saturday. Staff from the Divisions of Rehabilitation Service (DRS) and Service to the Blind and Visually Impaired (SBVI) were responsible for all accessibility and accommodation issues. Grady expressed gratitude for the attention received in State Government in regard to disability related issues. **NDEAM** – The Governor has proclaimed October as National Disability Employment Awareness Month (NDEAM). Grady requested staff to send copies of the proclamation and press release to board and council members. **STATE PLAN APPROVAL** – Marian Fuller, Rehabilitation Services Administration (RSA) Representative to South Dakota, visited the State the week of September 8th. She indicated that the RSA Commissioner had approved SD's State Plan and that the Department would be receiving a letter to that effect. **DRS BUDGET UPDATE** – The Department of Human Services (DHS) submitted its SFY2006 budget request to the Bureau of Finance and Management two weeks ago. Grady indicated that budget hearings for DHS took

place on September 17th. DRS requested provider inflation for providers and the Centers for Independent Living (CILS) in the amount of 3%, as well as an increase of \$129,420 for case services. There will be a cost of living increase, but the percentage has not yet been pinpointed. \$257,516 in additional funds has been requested for Disability Determination Services to cover increased costs for psychiatric and psychological evaluations.

BOARD/COUNCIL APPOINTMENTS – Grady stated that board and council appointments have been regularly coming under the current administration, so it might not be necessary to have this as a BVR standing agenda item in the future. The Board is now fully appointed. Grady asked staff to forward a current Board listing to the Statewide Independent Living Council (SILC) and Board of Service to the Blind and Visually Impaired (B/SBVI). Tom added that a list with each member’s term expiration date would be helpful.

TICKET TO WORK & WORK INCENTIVES IMPROVEMENT ACT (TWWIIA): Grady introduced Dave Miller, who was appointed by Senator Tom Daschle to the Social Security Administration’s (SSA) Ticket to Work Advisory Panel. Grady reported that Dave has served as former Director of SBVI and DRS, and currently works as an administrator for CSD. Dave has worked the majority of his life in the disability arena. Dave explained that the Ticket to Work Advisory Panel reports to the SSA, Congress and the President about the progress of TWWIIA as well as other SSA work incentive programs. Dave covered various aspects of the Ticket to Work Program in detail including the future of the program, how ideally the program was supposed to work, what has happened to date, why the roll out is slow, what are the changes that we might see in the future, and what are the implications for VR (copy of his presentation is attached). Discussion ensued on how the Ticket affects vocational rehabilitation in SD (i.e., changes are slow, SSA plans to issue a Notice for Proposed Rule Making, legislative changes, more ENs

coming to SD). Grady thanked Dave for coming, and suggested that because SD has had better results with the program than most other states, SSA Regional Commissioner Everett might consider holding public meetings in SD on Ticket to Work.

FREEDOM TO WORK (FTW) UPDATE: BROOKE LUSK – Brooke told members that FTW submitted year four of the continuing application and they are awaiting approval. A packet of information was distributed to all the members which included “When Everyone Works, Everyone Wins” Newsletter, FTW Personal Assistance Services brochure, SD Benefits Planning, Assistance and Outreach Program brochure, Fall Conference registration information and two FTW success stories (see attached). The Department of Social Services (DSS) continues to work on the administrative rules in regards to Personal Assistance Services (PAS) in the workplace. While PAS has been implemented in SD, no one has yet taken advantage of the service. Members were asked to spread the word and to help identify consumers who would benefit from PAS in the workplace.

DAN ROUNDS – Dan announced that the Fall Conference would be held October 5-7 in Sioux Falls, and anyone from the BVR interested in attending could still register. Virginia Commonwealth University (VCU) will be there to demonstrate WorkWorld software. Workforce diversity, and guardianships and trusts are two of the many topics to be highlighted at the conference. The Society of Human Resource Managers (SHRM) has asked the FTW Project to partner on a conference in November. Dan said that they would be sponsoring a speaker at that event. DHS plans on hiring three recipients of VR services to be trained as Benefit Advisors for the Rapid City, Aberdeen and Yankton areas (see attached). They have received 18 applications, the majority of which are from the Aberdeen area. Selections will be made by the first part of October and it is expected to take 15-18 months of training for them to be up and running. Grady added that the three advisors will be working with Mike Walling each

time he returns to the State, and DRS will provide them with stipends until they are able to shift to a fee for service. HOBY ABERNATHY – Hoby explained that the Center for Medicare and Medicaid Services (CMS) has made the Medicaid Buy-In one of their main goals for the FTW Project. SD is planning on introducing legislation to have a Buy-In up and running by July 1, 2006. VCU is currently customizing WorkWorld for the SD Benefits Information System. Most of SD's benefits programs will be programmed into the software so individuals will be able to enter their earned income and see how it would affect their benefits. Hoby added that an analysis of Home and Community Based Services Waiver was recently completed. At present, there is a \$400 wage exclusion, and anyone earning more than \$400 in a given month would be required to make a repayment. This has been a disincentive for persons to earn more. The cost to raise the wage exclusion has been calculated, and this outcome has been shared with Division Directors. Grady mentioned that SSA has stopped financial support to VCU and WorkWorld. A letter voicing concern over the withdrawal of funding has been sent to SSA. Hoby assured BVR members that VCU is still trying to negotiate with SSA to maintain funding, but even if that financial support is discontinued, they guaranteed that work on the SD WorkWorld project would continue. SHELLY PFAFF – Shelly indicated that the FTW Steering Committee needed to fill three vacancies with persons with disabilities or family members. She said that the BVR Executive Committee would be making the selections as in the past. More than six applications have been received so far. She then outlined the four FTW Workgroups: PAS, Medicaid Buy-In, Consumer Outreach and Consumer Training. Shelly mentioned that the FTW newsletter, "When Everybody Works, Everybody Wins", has sparked some very positive feedback. Mike Walling will again be in SD the week of October 11th to provide the Employments and Benefits Workshops. He will be in Rapid City on the 11th, Huron on the 12th, Pierre on the 13th, and Watertown on the 15th. The 14th has been reserved for

Mike to meet with the PLANS group in Sioux Falls. Shelly pointed out that some people have attended the Walling trainings three or four times. This is not unusual since there is so much information given for people to process. Shelly referenced some success stories of persons who have taken the Benefits and Employment training, and she plans on meeting with Benefits Specialist Vicki Nisich to gather more success stories. Copies of the Freedom to Work video were handed. This is a short eight-minute video, which depicts people working and what employment means to them. More emphasis will be placed upon marketing than in the past, and the project is planning on developing speaker bureaus and spreading the word around the State about the project, targeting individuals not connected with a service delivery system.

BENEFITS, PLANNING, ASSISTANCE AND OUTREACH FOR SSI & SSDI BENEFICIARIES: NEW STAFF PERSON AND UPDATE – Brooke introduced Cassie Stoesser, the new Benefits Specialist from Pierre. Cassie stated that she had completed the initial SSA training in New Orleans and a one-month Internet course, and she is currently working on a field assignment. After SSA certifies her, she will be able to start serving clients. In the interim, Cassie has been reviewing client files and familiarizing herself with the process. She stated that if anyone needed assistance in the meantime, Lisa Lunstra and Vicki Nisich were filling in until she is certified. On an informational note, Brooke announced Dave Vogel's retirement. Dave had worked on the FTW Project since its inception in SD. A retirement party was being held for Dave on September 30th, and Brooke extended an invitation to all the Board members.

REGIONAL REHABILITATION CONTINUING EDUCATION PROGRAM: NATIVE AMERICAN LEADERSHIP TRAINING UPDATE – Regions VI and VIII will present a one-day leadership training seminar that targets Native Americans of transition age on May 19th, 2005 in Rapid City at the Best Western Ramkota. It will

be held in conjunction with the Native American Disability Summit. Grady explained that both the Board and SILC awarded up to \$2000 to be used as stipends for attendees who could not afford to attend otherwise. Grady hoped that at least one member of the BVR would be able to attend. Mary, Shelly and Travis all thought they would have the opportunity to attend on behalf of the Board. Grady asked if one of them would report out to the Board after the training was completed at either the June or September meeting.

GOVERNOR'S AWARDS LUNCHEON: EXECUTIVE COMMITTEE ACTION ITEM – Concerns have been brought to the attention of the Board over the last several years regarding the Governor not being available to present the awards at the Governor's Luncheon. The Executive Committee has talked about various options and Grady had the opportunity to speak to DHS Secretary Oldenkamp about this issue. Lynn stated that the Executive Committee had come up with two choices: do nothing or change the name of the awards, but leave the format the same. Much discussion ensued. Some members believed that the BVR should support local awards ceremonies and do away with the Governor's Awards altogether, while others felt it was important to maintain a statewide event no matter what the event was called. Tom suggested using a disclaimer of some kind stating that due to scheduling conflicts, the Governor might not be able to attend. Grady concurred with Tom's idea and said that from the time we send out the nomination packets, we would stress that point. The Division also agreed to try to get a commitment from either the Lt. Governor or the Secretary of State if the Governor is unable to attend. **MOTION TO CONTINUE THE GOVERNOR'S AWARDS LUNCHEON AS IS, BUT WITH A DISCLAIMER ABOUT THE GOVERNOR'S ATTENDANCE BEING NOTED ON ALL CORRESPONDANCE AND PUBLIC ANNOUNCEMENTS – MSC.** Grady added that as soon as the award recipients were known, we would inform them of whom the

presenter would be. It was also agreed to leave off any reference to “the Governor’s Committee” on any materials/information relating to the Governor’s Awards, but to instead identify the BVR.

The meeting adjourned for the day.

The meeting resumed at 8:30 a.m. September 21st. A thank you was extended to the interpreter and CSD for the timeliness of filling in for the absent interpreter.

TRANSITION SERVICES LIAISON PROJECT UPDATE:

Transition Services Liaison Project Coordinator Barb Rohrbach passed around copies of Transition Services Liaison Project Overview (see attached). She said that the project was entering its fifth year, and was funded by DRS and the Office of Special Education. There are three Liaisons in SD, Bev Peterson in the Eastern, Betsy Valnes in the Central and Dave Halverson in the Western Regions. They are in the process of updating a school matrix, which will be sent out to BVR members. Teachers, parents, service providers and students are all encouraged to attend project meetings. A grant entitled “Exceeding Expectations” involves Transition Services from five states coming together to design and promote new youth activities. Currently they are developing a video for students and parents. Lynn mentioned that Bev Peterson writes a Transition Column for the Parent Connection Newsletter. Next, Barb distributed copies of the Regional Transition Forums that were scheduled from September into next year (see attached). Barb spoke about entering into the seventh year of Youth Leadership Forum (YLF), and how it was a both educational and motivational program. Barb distributed registrations for YLF 2005 (see attached). She indicated that marketing would be beefed up for next year’s event. The 2004 YLF video will be available shortly. VR Intern Heidi Combs helped put together a follow-up survey for YLF 2004 that will help determine how the program can be improved. The question was

raised on why eight students were denied access to YLF this year. Enthusiasm during the interview process, and community involvement were mentioned as essential qualities for those chosen to participate. Grady said that from the beginning, the intention was to look for those candidates who expressed leadership potential. As the number of applicants rises, the more competitive the selection process will become. Ron added that not only should students advocate for themselves, but they should also advocate for others. That is a true sign of leadership. Lynn asked how the selections are made. The response provided was that students answer written questions, write essays and go through an interview process. A panel then narrows the field down and chooses the students who will attend. One plan to improve YLF next year is to utilize college Disability Coordinators in recruitment of older team leaders. Grady indicated that between the offices of Special Education and Vocational Rehabilitation, funds have been secured to continue the various transition programs. He added that we are seeing the benefits of YLF when some of the original participants finish further education and/or secure jobs. As young adults they are becoming leaders and advocates, and are representing the disability community on boards and councils. A case in point is BVR member and past YLF participant, Kati Seymour, who has recently completed a Congressional Internship in Washington D.C. for Senator Judd Gregg of New Hampshire. Kati told the Board that she worked in the area of education and labor with regards to disability issues. Beth praised YLF stating that her son Dillon participated in the first YLF and came back a different person. He is now living on his own, working, and serving on the DD Council. He is still in contact with people he met at YLF, who have become a great support system for him. Grady concluded by reminding the members that YLF was a direct function of the BVR.

STATE WORKFORCE DEVELOPMENT COUNCIL UPDATE:

The last Workforce Development Council meeting was held July 7th in Pierre. Grady indicated that the Workforce Investment Act

(WIA), which encompasses the Rehabilitation Act along with other work related programs, is currently going through reauthorization in Congress. It is doubtful that WIA will be reauthorized until sometime early next year. Congress is also working on the Assistive Technology Act, and there is still a slight hope that it could be passed yet this year. Grady mentioned that layoffs still continue around the state, and displaced workers are being served by a rapid response program from the Department of Labor (DOL). Phil George from DOL made a presentation on the current labor market. Grady pointed out that VR is trying to be proactive in determining what the job market will need in the next 5-10 years; clients could then be steered into those fields. Grady stated the next meeting is being planned in conjunction with the WIA conference to be held in Spearfish on September 29th.

STATEWIDE INDEPENDENT LIVING COUNCIL UPDATE:

Grady stated that the SILC will meet in Pierre at 1:00 p.m. that day. SILC submitted the State Plan for Independent Living (SPIL), and it was approved for the next three years. The IL centers provide home modifications, ramps and other equipment and services. Unfortunately, the CILs are not always able to serve everyone needing assistance within their budgets. This past fiscal year, DHS had some unspent monies, and DRS was able to secure an additional \$500,000 (one-time funding) for the Home Modification and Assistive Device Program (HMAD). The CILs rose to the challenge and were able to serve 200 additional people. Grady announced that Opportunities for Independent Living (OIL) in Aberdeen had been awarded Part C federal funds. Grady explained that OIL has applied before, was finally accepted, and will now be permanently considered a Part C Center. There are now a total of four Part C Centers in SD.

STATEWIDE NEEDS ASSESSMENT UPDATE: On August 17th a memo was sent to the administrators of BSBVI, BVR, SILC and DDPC asking for their assistance in funding a statewide needs

assessment. The survey will again be conducted through the University of SD. Estimated cost of the survey is between 55 and 60 thousand dollars. To date, BSBVI has committed \$12,000 and DDPC has committed \$10,000. Grady indicated that the SILC would decide that afternoon on how much they could contribute. The BVR initially selected the first survey questions. The questions will remain relatively the same to enable the comparison of data of each study. Lynn reminded the members of last year's pledge to make survey phone calls accessible to individuals who are deaf and hard of hearing, and asked if TTY would be in place by the time the surveys start. Grady assured her that it would. Once the survey is completed, Randy Stueven (USD) would be asked to present the findings to the Board.

BVR COMMITTEE REPORTS: EXECUTIVE COMMITTEE – PROPOSED BVR RESOURCE PLAN – The Executive Committee previously met to formulate a resource plan. The following was proposed to the entire board for their approval: \$18,675 in total strategic planning funds.

- \$9000 2004 NDEAM Activities
- \$2000 Native American Leadership Training
- \$1500 Governor's Awards Luncheon
- \$1500 Public Forums
- \$1500 CSAVR

The remaining funds (\$3175) would be made available for the Statewide Needs Assessment. **MOTION TO APPROVE THE PRESENTED AMOUNTS TO THEIR CORRESPONDING ACTIVITIES – MSC.** Dave commented that it might look strange that the BVR only gives \$3175 when BSBVI and DDPC are pledging so much more. Grady assured members that this was a joint effort between the Board and Division, and DRS would make up any difference. **CONSUMER SERVICES COMMITTEE – DRAFT PROGRAM GUIDES – INFORMED CHOICE** - Bernie

stated that SBVI approached DRS about adopting their informed choice policy that had been adopted in 2002. Thus, the guide will require certain changes i.e., SBVI language will be added throughout the document and one item regarding Social Security will be removed. Otherwise the guide will remain the same. Bernie provided the guide as a handout (see attached).

APPLICANT FOR VOCATIONAL REHABILITATION SERVICES AND AVAILABILITY FOR THE ASSESSMENT PROCESS – Brady indicated that the Consumer Services Committee met twice regarding this draft program guide. At the last committee meeting there were several members absent and the conclusion was “no consensus” could be reached on the issue of taking applications from inmates for VR services. Lynn said they discussed this subject during an Executive Committee conference call, and the State’s view is that inmates do not meet the requirements of availability until they are out of prison. Brady said that SD Advocacy Services believes that when an inmate is given a definite release date, then he or she should be allowed to start the assessment process for VR services. An article was shared and read aloud from the “Rapid City Journal” in regard to VR services and younger prisoners (see attached). Grady asked if it is the responsibility of DRS to provide job training in prisons. Brady responded that out of 13 states that he had called, 10 states said they do. Grady then asked if those states appropriated funds to provide vocational rehabilitation services within prisons, and Brady responded that funding comes out of their general funds. Grady expressed concern, indicating that if the Division has to find funds to serve this population, it could move the Division into an order of selection. Brady replied that it would not create a financial hardship because the Division would only be taking applications for service. Jessie expressed concern about serving persons while still incarcerated, and recommended having the paper work ready upon the release date, which would speed up the application process. Grady noted that the Division could make exceptions to the policy. It was reported that the Secretaries of

DHS and the Department of Corrections (DOC) were meeting to discuss these issues. DOC has hired three new Transition Coordinators, who will work to facilitate an inmate's reentry into society. The thought is to submit an application for VR services two to three weeks before the date of release. VR can then request medical records immediately, and schedule an appointment for the individual shortly after his/her release date. Grady pointed out that RSA was supporting their position on this issue, but felt compelled to be proactive because of the conflict. However, when SD Advocacy has contacted RSA, they have not been discouraged from pushing for VR services within the prison system. One member asked if VR would be expected to help these consumers with expenses for housing, food, etc. once they were out. The response provided was that the corrections system provides these types of supports. Mary indicated that the 121 Programs are encouraged to take applications for VR services from persons who are incarcerated so paperwork could be completed before their release, however no services are provided. Grady indicated that the Division would consider an application for the purpose of obtaining medical documentation if a definite release date was known. One member indicated they had mixed feelings because as an employee of Lutheran Social Services, he has provided classes within the prison system, but on the other hand as an employee of SSA, he knew they could not work with an individual until his/her release date. As the discussion wrapped up, Grady indicated that the Division would consider taking an application for the purpose of securing documentation. DRS would modify the policy, share it with the Board, offer a comment period and then finalize it. Brady stated that was all the Client Assistance Program was seeking in the first place and thanked the members for their thoughts.

PUBLIC AWARENESS COMMITTEE – UPDATE ON NDEAM ACTIVITIES – A schedule of statewide NDEAM activities was distributed to the members (see attached) and Larry reviewed them. The BSBVI contributed \$500 to both NDEAM and the

Governor's Awards Luncheon. Kati announced that the Miss Wheelchair SD pageant would be held October 29-30 in Pierre.

SCHEDULE NEXT MEETING: Members asked staff to try and schedule their next meeting the week of December 6th in Sioux Falls with the 9th and 10th being their first choice of dates.

VIDEO PRESENTATION – LOOKING BEYOND DISABILITIES - A SOUTH DAKOTA PERSPECTIVE: The members viewed a video entitled “Looking Beyond Disabilities – A South Dakota Perspective”. The video focuses on people with disabilities who are working, and what a difference it has made in their lives.

CLOSING ACTIONS: There was no other business, and no future agenda items were brought forward at this time.
ADJOURNMENT – MOTION TO ADJOURN THE MEETING – MSC.