

Board of Vocational Rehabilitation
April 30, 2014

The Huron March 30/April 1st meeting was rescheduled due to a blizzard. The rescheduled meeting was held via Dakota Digital Network with the following sites and those who were in attendance.

Pierre/Members present: Eric Weiss, Robert Kean, Melissa Flor, and Lyle Cook; Others present: Bernie Grimme DRS Assistant Director, and Colette Wagoner, BVR Staff

Sioux Falls/Members present: Matt Cain, Elaine Roberts, Brett Glirbas, Colleen Moran, and Patty Kuglitsch; Interpreters present: Nicolle Hutchinson and Rachel Halfte.

Aberdeen/Members present: Craig Eschenbaum; Others present: Rich Eschenbaum.

Yankton/Members present: Joe Rehurek and Leo Hallan.

Mitchell/Members present: Darla McGuire

Rapid City/Members present: Chad Maxon.

Participating via telephone: Robert Jahner, consultant.

OPENING ACTIONS: Welcome and Introductions: Elaine Roberts, Chairperson called the meeting to order at 1:15 pm and asked for introductions by site. She asked for a motion to approve the agenda if there were no changes. **MOTION MADE (M) TO APPROVE THE AGENDA AS MAILED, SECONDED (S) AND CARRIED (C).** She moved to the December meeting minutes asking for any changes or additions, none noted **MOTION TO APPROVE THE DECEMBER 5/6 2013 MEETING MINUTES, MSC.** Elaine referenced the meeting minutes of the Executive Committee from March 13 which contained several funding recommendations. She asked if members wanted to take the minutes as a whole and approve all funding recommendations or if members wanted to take each action item separately (ILC transition program, NDEAM activities, Mission Public Listening Meeting). Consensus was to approve the minutes in their entirety. **MOTION TO APPROVE THE EXECUTIVE COMMITTEE'S MINUTES FROM**

MARCH 13, 2014 AND THEIR FUNDING RECOMMENDATIONS (ILC SUMMER TRANSITION CLASSES/\$1,000; 2014 NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH ACTIVITIES/\$12,000, AND MISSION PUBLIC LISTENING SESSION/\$750.00), MSC. Next, Elaine asked for action on the Executive Committee minutes from April 1, **MOTION TO APPROVE THE EXECUTIVE COMMITTEE APRIL 1ST MEETING MINUTES, MSC.**

TIME FOR PUBLIC COMMENT: Elaine asked if there was public comment; there was none.

ANNOUNCEMENTS: Bernie reported that the "Mark Your Calendar" will go out soon for the 2014 Fall Conference "Putting the Pieces Together" which will be held October 7-9, at the Best Western Ramkota Hotel in Aberdeen. The conference will include topics on autism, bullying, job accommodations, and areas specific to provider training. Elaine reported that South Dakota Parent Connection will host their last Families Planning Together session tomorrow evening at their Sioux Fall office. She noted that the Dare to Dream Conference is still taking registrations, it will be held June 8-10 in Aberdeen. Lighting the Way Autism Conference will be held in Sioux Falls on June 12-13th.

DIVISION DIRECTOR'S REPORT: Director's Comments: Eric Weiss shared that he completed his first legislative session as a Division Director, and spoke to the learning curve that has come with the new position. Legislative Session: He reported that the Division had no bills; however, the Governor's Office introduced a bill (HB1166) to update language regarding current and developing technology after hearing from individuals from the deaf community. The original bill was crafted in 1989, prior to the Americans with Disabilities Act and was designed to provide Telecommunication Relay Services (TRS) and devices for those with hearing and speech impairments. HB1166 was amended, passed and signed by the Governor. The Department of Human Services (DHS) is now drafting administrative rules which will outline the policies and procedures for the program. Department staff are meeting weekly to discuss what is being done now and what needs to be changed. For example, one need identified through the follow-up discussions from the survey of parents of children with hearing impairments was hearing aids. Hearing aids can be purchased by Medicaid, however if the family doesn't qualify for Medicaid or other insurance, a set of hearing aids could cost up to \$4,500. The Department wants to design a program to assist families. There have been discussions with experts with

Medicaid and pediatric audiologists, to create an effective program. One issue is the inability to accurately identify how many children who would be eligible for this program. The intent will be to provide assistance to families with children with this need, keeping in mind the primary legislative purpose, being designed to create the TRS program for individuals who are deaf, hearing impaired and those with speech impairments. The Department will solicit feedback from work groups and others on the rule development process. Robert suggested that if we expand Medicaid this would help alleviate some of the issues with hearing aids.

DRS Budget Update: It was reported that the Division did not request an inflationary increase for the VR program in the budget request for Fiscal Year 2015. The Division will utilize available general funds for FY 2014 to match the anticipated FY2015 federal grant increase.

Status of Board of Vocational Rehabilitation Appointments: Nominations were solicited for vacancies early in March with a due date of March 24th. The nomination packet has been forwarded by the Division/Department to the Governor's Office for his review and action.

Employment Works Initiative Update: Eric reminded members of Governor Daugaard's Employment Works Task Force, which was created last summer. The task force met three times during the late summer and early fall of 2013, with the goal of identifying recommendations to increase the employment of individuals with disabilities. The task force identified five recommendations:

1. Find and support businesses who employ people with disabilities.
2. Connect businesses to employees with disabilities.
3. Eliminate disincentives to employment for people with disabilities.
4. Develop flexible systems and promote promising practices.
5. Educate the public, providers, employers and people with disabilities.

Several actions resulting from this include: creation of a business specialist position under DHS/Division of Rehabilitation Services. This position will provide support and technical assistance to employers across the state. The Division is hoping to hire someone soon for this position. Another identified need was for business led technical assistance support – employers value the ability to communicate with other employers about hiring individuals with disabilities. The Division will be disseminating an RFP for a business led organization to fulfill this need in the Sioux Falls area and hopefully other parts of the state. Another RFP

was issued to identify a marketing firm to heighten employers' awareness of the availability of the untapped workforce of individuals with disabilities. Another task falling under the Department, within the Division of Developmental Disabilities, is removing the \$400 cost share for individuals with intellectual disabilities within the Choices Waiver. This is a disincentive for individuals working, for every dollar earned over \$400 would go to pay for the services they receive. A question was asked about the work involved with employers and the need for reliable personal attendants for employment. The response provided was that the need for appropriate supports in the workplace would be addressed. Another question asked, was if the BRN would have to apply for funding under the business led category. The response was, yes; if the BRN submits a proposal it would be considered under this category. Lyle offered comments about recently returning from a national meeting in which appointments to the State Rehabilitation Councils (SRC) was discussed. He shared that in New Mexico a representative from each of the Tribal Vocational Rehabilitation Programs serves on the SRC, a total of four representatives, in addition to soliciting nominations on a monthly basis. He mentioned this for the board's consideration, perhaps something to consider in the future. It was pointed out that this would require looking at the bylaws and working with the Governor's Office. Lyle also shared that he has been approached to serve on the Consortia of Administrators for Native American Rehabilitation (CANAR), which if appointed he would assume more responsibilities and possibly resign from the Board. A question was asked about how to support Lyle with candidacy for a position on CANAR. Lyle responded that he has already served as vice chairperson of CANAR.

APPEALS PROCESS/FAIR HEARING: Bernie referenced a copy of the State of SD Office of Hearing Examiners handout that was disseminated to the Board. He shared that a fair hearing doesn't happen very often, perhaps one or two a year out of 6,000+ consumers served annually. He mentioned the different stages of due process - informal administrative review, mediation, and a fair hearing - all are driven by the consumer and the level they elect to start at. Bernie described one appeal (DHS 12-02) and the decision of the Fair Hearing Office, as agreed to by the Department of Human Services Secretary, which was in favor of the Division's decision not to pay for post-secondary education obtained after the consumer's case had been closed as successful and the person then moved out of state. It was mentioned that the client represented themselves. South Dakota Advocacy Services was not involved in this case.

MISSION DISABILITY SUMMIT FOLLOWUP BY THOSE WHO ATTENDED:

This agenda item was delayed since the summit was cancelled due to a blizzard. After learning that the Board of Service to the Blind and Visually Impaired was not interested in rescheduling this event, there was consensus of members to reschedule if other entities were in favor.

STATE PLAN SUBMISSION: (Bernie connected Robert Jahner to the meeting by telephone at this point). Bernie initiated this discussion by providing a brief explanation of the State Plan (pre-print, attachments, and timelines) and referencing the document "2015 State Plan Public Meetings". He reviewed what each attachment contains (i.e., what has been done, what is currently being done and what will happen in the future) and noted which attachments required to be updated annually. He reported that the Consumer Services Committee met on March 17th and reviewed the draft attachments to date. There will be more work done on the attachments, and another meeting with the committee with Robert J. to update goals and strategies. None of the committee members had any further comments about their meeting. Prior to turning it over to Robert J., Bernie explained what the Division did in previous years for conducting the needs assessment and the amount of time it took for the committee and staff to formulate goals, strategies and action steps. Rehabilitation Services Administration (RSA) finally issued an informational document (over 220 pages), on what is required of a statewide needs assessment. Thus the Division hired Robert Jahner in conjunction utilizing the University of Northern Colorado Region 8 TACE, to conduct the assessment and work with the Division and Board in formulating the needed documents resulting from the assessment. Robert J. had a PowerPoint presentation and covered these areas: RSA model process, RSA requirements, challenges, information that was gathered for summary and analysis, what was discovered, organization of information, methodology, and primary needs categories. Robert J. talked about what was discovered (issues of scope), what is outside of VR's realm, what areas IL and/or VR could possibly support, and needs that fall within VR's scope. Also recognizing that there are areas that VR cannot possibly solve on its own and it will take community members/organizations to get involved and brainstorm possible solutions (i.e., transportation). Robert J. explained that some identified issues might be community specific (transportation/scheduling/change in routes) and these could be addressed in outlined strategies. The committee will meet with Robert J. on May 8th to start defining/redefining the goals and strategies of the agency Elaine encouraged members to look at the current goals in the State Plan and review the information from Robert J and think about needed changes. Members not

involved with the Consumer Services Committee were invited to participate in the upcoming meeting, if they so desired. Robert J. thanked members for their time and encouraged individuals to be in touch with any questions.

STATEWIDE INDEPENDENT LIVING COUNCIL (SILC) UPDATE: Bernie reported that the SILC met on February 19 and had reports on the following topics: assistive technology workgroup presentations; Money Follows the Person; Board of SBVI Report and Chapter 2 Older Blind report; DRS report (equipment distribution and telecommunication assistive devices programs; ramp report, 704 report, IL service and consumer satisfaction reports, Center for Independent Living [CIL] reviews, BVR report); strategic planning funds requests; CIL staff training and CIL reports. Bernie explained the funding streams to the CILS, Part B monies (state funds) and Part C (federal funds). He reported that Marla Bull Bear of Native American Advocacy Program (NAAP) contacted the Division and SILC about their intent to serve only the reservations south of the I-90 and not all nine nations. It was discovered that if this is done, NAAP would have to forego the entire grant, and reapply. It is possible that ILC could serve some of the counties in the south and northeast, but NAAP would be required to cover Standing Rock and Cheyenne River Sioux Tribe areas. Marla will work with the Tribal Vocational Rehabilitation to provide IL services in the three areas (Cheyenne River, Standing Rock, and Sisseton Wahpeton). Guidance received from Rehabilitation Services Administration recommended an amendment to the State Plan for Independent Living in the event that a CIL relinquishes funds. The SILC and Divisions are hosting a disability summit in Eagle Butte on May 13th. The question was raised if the Board would like to be involved in this gathering, and the response was yes. Some Board members and staff will attend in various capacities thus the Board will have representation. Lyle indicated that his program will cover the meal costs and transportation being offered through Cheyenne River Sioux tribe Transit. After more discussion, **MOTION TO ALLOCATE UP TO \$750 TO SUPPORT THE DISABILITY SUMMIT IN EAGLE BUTTE IN THE AREAS OF TRANSPORTATION AND MEETING ROOM COSTS, MSC.** A question was asked about the rescheduling of the Mission Disability Summit, and the response was the Board will participate if rescheduled.

STATE WORKFORCE DEVELOPMENT COUNCIL UPDATE: Eric reported that he attends these meetings as the DHS Department Secretary's designee. The next meeting will be held on May 15 in Pierre. He referenced two items from these meetings: First, he received communication from the Labor Market Information Center, which publishes an annual economic analysis report. They

are looking at conducting a more comprehensive report and sought information and input from members of the Council. Eric was asked to complete a survey asking for feedback on what type of information the Department/Division would be seeking. He requested more disability statistics and state specific information on disability. Robert inquired about entry data, wages, and longevity and if this information would be gathered. Eric encouraged members to forward ideas of information to be gathered to him and he would include this. 2) The Governor's SD WINS Cabinet will host Workforce Summit meetings in six communities in April, May, and June. The summits will provide an opportunity to: learn about current SD WINS programs; analyze recent demographics and workforce trends; and discuss strategies for the future. Local business, community and education leaders are being targeted to attend as well as other public members. There is no cost to attend, but registration is required. Eric will forward information to staff to disseminate to the full board. Information can also be found at www.southdakotawins.com. There was discussion on Governor Daugaard's State Address which included increasing employment opportunities for people with disabilities and targeting businesses. It was noted that this is an opportunity to interact with DOL and employers. Another member spoke to attending the Center for Disabilities training held in Chamberlain and noted the number of DOL staff in attendance.

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH: It was reported that the review committee met on March 27th and reviewed 11 community proposals. The initial request totaled \$16,787.00. The review committee raised two community requests to ensure that speaker costs would be covered, so total funding recommendations are \$17,087.00. The Board is providing financial support in the amount of \$12,000 and the Board of Service to the Blind and Visually Impaired is committing up to \$4,000. The Statewide Independent Living Council will be meeting in two weeks, and we await their answer. The Division indicated that if the SILC declines to provide financial support, the Division would cover expenses over the \$16,000 support. It was noted that six communities will share a speaker (Tony Memmel/www.tonymemmel.com), and two other communities will share a speaker from the Job Accommodation Network.

OTHER BUSINESS: ASPIRE: Bernie reported on ASPIRE, which is a national grant initiative of a six state consortium. It is a research project designed to compare youth and families who access current services, with youth who receive enhanced services and will receive similar information and services to improve

their overall family income. South Dakota will be responsible for enrolling 120 youth and families by September 2015. He spoke to the traditional services and the ASPIRE services. Mary Livermont has been hired as the project manager with other staff located in Pierre, Sioux Falls and Rapid City. Bernie spoke about a meeting with Standing Rock Tribal Vocational Rehabilitation Program and developing the Memorandum of Understanding with the Department of Social Services. Other aspects of the project will include parent intervention/parent training materials, financial assessment and benefits counseling, and youth intervention and community intervention materials. Elaine commented that she believes South Dakota is well organized and far ahead of other states. Governor's Awards: Staff reported that the review committee will be meeting on May 20th to review the nominations. Members serving on the review committee include: Matt, Melissa and Craig/BVR; Lyle/BSBVI and Sarah Rush/SILC.

CLOSING ACTIONS: Future Agenda Items: Employment Works Initiative, State Plan, and election of officers. Scheduling Next Meeting: Members chose the dates of June 24th and 25th in Pierre for the next meeting. Adjournment: **MOTION TO ADJOURN, MSC.** Elaine thanked everyone for their attendance.