

Nebraska Planning Council on Developmental Disabilities  
August 10, 2018 9:30 am  
Highlands Golf Course Conference Room  
5501 NW 12<sup>th</sup> Street  
Lincoln, NE

Copies of the agenda were sent to members and interested parties prior to the meeting. The meeting was chaired by Kristin Mayleben-Flott and everyone attending introduced themselves.

**Present:** Jessica Barrett, Brenda DeLancey, Heather Leschinsky, Judy Martin, Kristin Mayleben-Flott, Jennifer Meints, Courtney Miller, Steve Milliken, Sharon Orduña, Erin Phillips, Debbie Salomon, G.R. Smith, Wayne Stuber, Haley Waggoner, and Jane Ziebarth-Bovill.

**Absent:** Sue Adams, Clarice Jackson, Dale Johannes, Sharon Miller, Donna Montgomery, Ryan Moore, Paige Rose, and Dee Valenti.

**Guests:** Lisa McMichael, Jennie Schneider, and Georgette Wallace.

**Staff:** Kristen Larsen, Joni Dulaney, and Nikki Krause.

Georgette Wallace introduced herself. She is the Federal Emergency Management Agency (FEMA) Regional Disability Specialist for Region 7. Region 7 includes Nebraska, Missouri, Iowa, and Kansas. Georgette is planning on regularly attending future Developmental Disabilities (DD) Council meetings as Washington, D.C. is making a push for this. They want to ensure that the DD community won't go without services being rendered during an emergency.

Kristin Mayleben-Flott recognized Judy Martin for receiving the 2018 Robert D. Sparks Award in Public Health and Preventive Medicine. Kristin M. recognized Haley Waggoner for receiving a gold medal in tennis doubles and a bronze medal in tennis singles at the National Special Olympics Games in Seattle.

### **Open Meetings Law**

Kristin M. announced that we are continuing to follow the Open Meeting Law and that a copy of the law is hanging on the wall by the entrance to the meeting room.

### **Approval of Minutes**

Kristin M. asked for a motion to approve the minutes from the May meeting.

Wayne Stuber motioned to approve the minutes and Jane Ziebarth-Bovill seconded. No amendments or corrections were requested. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 1.\*** Motion carried.

### **Declaration of Conflicts of Interest**

Every year the members of the Council must verbally declare any conflicts of interest as required by Council policy. Council members who had not already done so were asked to disclose any conflicts of interest. They are noted below:

Clarice Jackson                      Absent

## **National Fiscal Update and Council Approval of Budgets**

Kristen Larsen explained that the State Fiscal Year (SFY) operates July 1 to June 30. This is the fiscal year that has been used for the Council's annual budget within the Department of Health and Human Services and the fiscal reports to the Council. At the training she attended in Washington, D.C., the Office of Grants Management (OGM) reviewed the new interpretation of the Period of Performance for subawards, which is based on the Federal Fiscal Year (FFY) of October 1 to September 30. It was clarified that Council budgets should be based on the FFY.

State Councils receive funds annually for Council administrative costs and projects such as subawards, contracts, and collaborative projects. These funds must be obligated and expended with all subaward, contract, and collaborative projects completed within the first two years. This is known as the Period of Performance. The third year of funding is used only to liquidate the funds for projects that had been completed within the first two years. All projects must be completed by the end of the second year of funding. Any funds not obligated or expended by the end of the second year will be returned to the federal awarding agency. This will change the way the Council obligates funds for the remainder of FFY18 and FFY19.

Kristen L. assured Council members that if the Council needs to revert or return unliquidated funds, the OGM and Administration on Intellectual and Developmental Disabilities (AIDD) staff explained that it does not affect the following year's award amount. We will need to be extra vigilant with the FFY19 award and awards thereafter as that is when the new interpretation is going to be implemented.

Kristen L. referred to handouts provided at the meeting and explained that there will be two votes by Council members: first, the budget for anticipated expenditures for the period of July 1, 2018 through September 30, 2018 to move from the SFY to the FFY; second, the FFY19 budget.

The front of the Financial Report FFY2017 Award handout shows \$88,777 in anticipated expenditures through September 30, 2018. The back page lists the \$83,172.75 in obligations that were made with FFY17 funds. Included in these obligations is the contract with the Division of Developmental Disabilities (DDD) to hire the Olmstead contractor, although funds for this contract will probably be transferred in next year's budget. Anticipated amendments in the amount of \$18,714.75 will be needed to change over subaward funds from FFY17 to FFY18. These expenditures will close out the FFY17 funds.

Kristin M. stated that with the changes to the Period of Performance, the Council will need to obligate and liquidate funds faster than we have in previous years. In FFY19, we will be moving from a three-year liquidation period with work allowed to take place in the third year, to a two-year period of performance with the third year only allowing liquidation.

Wayne motioned to approve anticipated expenditures for the period of July 1, 2018 through September 30, 2018 in the amount of \$88,777. Debbie Salomon seconded. A roll call vote was taken: **Yes – 14, No – 0, Abstain – 0.**\* Motion carried.

Kristen L. directed Council members to the Financial Budget For Approval (Covers Oct. 1, 2018 – September 30, 2019) Federal Fiscal Year Budget handout showing an estimated budget of \$293,702 for FFY19. This breakout includes staff salary/benefits of \$172,000; Operating Expenses of \$60,150; Travel Expenses of \$36,175; and indirect costs for the functions of DSA of \$25,337.

Erin Phillips motioned to approve FFY19 budget in the amount of \$293,702. Jennifer Meints seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 1.**\* Motion carried.

### **Meeting Dates for FFY19**

Committee and Council meeting dates for FFY19 were set.

Council Meeting – November 16, 2018

Legislative & Advocacy Committee – January 31, 2019

Council Meeting – February 1, 2019

Planning Committee – May 16, 2019

Council Meeting – May 17, 2019

Grant Review Committee – August 8, 2019

Council Meeting – August 9, 2019

Kristin M. mentioned that as we come into compliance this next year and make changes to our By-Laws, there could be the potential for additional standing committees for people to serve on.

### **Update on iTACC (Information and Technical Assistance Center for Councils on Developmental Disabilities) Compliance Regarding Council By-Laws**

Kristen L. explained that in order to come into compliance, the Council has to make significant changes to the By-Laws. The goal is to come into compliance by the February 2019 Council meeting. In the next few months she will be working with the Compliance Committee (Kristin M., Sharon Miller, Wayne, Donna Montgomery, Jennifer, and Judy Martin) and Council staff to create a By-Laws draft with proposed changes. This draft must be distributed to Council members 20 days prior to the November Council meeting so it can be reviewed and discussed at the November 16 Council meeting. Additional changes will be made based on Council discussion. The draft will be presented at the February Council meeting where a passing vote of 2/3 of the members present will be required to pass any amendments to the By-Laws.

There are a significant number of amendments that need to be made in order to become compliant. These include:

- Council Name – remove the word “Planning”;
- Appointment of Council Members – includes membership terms of service;
- Composition of Council – nongovernmental representative and nonprofit representative;
- Method of Election for Officers – to include Council Chair position;
- Committees – removal of the Regional Council Coordinating Committee, appointment of Committee Chairs.

Kristen L. has been gathering iTACC documents from Sheryl Matney and other Councils across the country for examples of language to use for the updates. Sheryl will be consulted to ensure all requirements for compliance are being met. The Council will continue to operate under the current By-Laws until the amended By-Laws are ratified.

### **Member Appointments**

Kristin M. advised the terms for the following members expire on September 30, 2018:

- Jessica Barrett
- Clarice Jackson

- Sharon Miller
- Donna Montgomery

Members interested in being reappointed must reapply online through the Governor's website at <https://governor.nebraska.gov/board-comm-req>. Because the Council is operating under current By-Laws, iTACC's recommendation regarding term limits is not in place, however once the By-Laws are ratified, the term limits will be enforced. Kristen L. announced that Donna will not be reapplying. Council members were asked to be actively recruiting people to apply. Membership needs/vacancies are in the areas of a nonprofit representative and additional representation from the western part of the state to balance out our geographical map. Council staff Nikki Krause has begun working on a visual graphic that shows the geographic location of current Council members.

### **Election of Officers**

Kristin M. noted that Kristen L. sent an email to all Council members to see who would be interested in running for election to serve in the Vice-Chair and Secretary positions.

Vice-Chair – The Vice-Chair will assume all responsibilities if the Chair is not available. Both Brenda DeLancey and Jennifer Meints expressed an interest in this position. There were no nominations from the floor.

Jessica Barrett nominated Brenda and Debbie seconded. Erin nominated Jennifer and Debbie seconded. A vote was taken by ballot. Jennifer Meints will be the Vice-Chair for FFY19. (Jennifer 8 votes, Brenda 7 votes)

Secretary – The Secretary will review the minutes taken by Council staff prior to them being posted on the Council's public webpage and inclusion in the meeting packets mailed to Council members. Both Jessica Barrett and Debbie Salomon expressed an interest in this position. When asked if there were any nominations from the floor, Erin Phillips expressed an interest in the position.

Sharon Orduña nominated Jessica and Debbie seconded. Jessica nominated Debbie and Jennifer seconded. Haley Waggoner nominated Erin and Sharon seconded. A vote was taken by ballot. Jessica Barrett will continue as Secretary for FFY19. (Jessica 8 votes, Erin 4 votes, Debbie 3 votes)

Kristin M. expressed her appreciation with members willing to serve as Vice-Chair and Secretary.

### **Committee Preferences**

All Council members are expected to serve on one of the standing committees. Committee Preference forms were included in the meeting packet mailed prior to the meeting. Kristen M. gave a summary of the responsibilities of each committee. Members were asked to submit their completed form at the meeting. Council staff and Chair will review Council members' preferences. Preferences for the Legislative and Advocacy, Planning, and Grant Review committees will be followed as closely as possible while following the iTACC recommendation of being mindful of potential conflicts of interest for those serving on the Planning and Grant Review Committees.

### **Updates from State Agency Representatives**

Council members representing state agencies provided brief updates on activities that have occurred since the last meeting.

#### Munroe-Meyer Institute (MMI)/University Center of Excellence for Developmental Disabilities (UCEDD)

Wayne reported that the UCEDD is in the planning phase of their new building. The Institute is moving off the Medical Center campus to the University of Nebraska-Omaha (UNO) campus. The plan is that the architectural drawings will be done in February 2019 and anticipate occupancy in July 2020. The UCEDD will post a full-time staff position vacancy for someone with expertise and interest in post-secondary transition and employment. Staff member Sarah Swanson finished her defense for her Master of Public Health degree. She'll be conferred that degree later this summer.

#### Department of Education, Special Education

Steve Milliken stated that this is a busy time of year for the Department of Education with school starting in mid-August across the state. The Child Count in Special Education chart that was provided as a handout at the meeting is a chart of students with disabilities by disability category served by NDE Special Education state-wide. There are 13 disability counts. Nebraska is on the high end with 14.74% compared to about 12% nationally. The highest disability count is the Specific Learning Disabilities (SLD), and that is the highest disability nationally. They continue to focus on student performance and away from strictly compliance and focusing on what schools need to improve the outcomes for students with disabilities and how they are doing it. At this point, they are not thrilled with their outcomes but will continue to have conversations about that at the local and state level and begin to make much better impacts on these outcomes.

Current agency activities include building state-wide Multi-Tiered Systems of Support (MTSS) processes, which is a top initiative for NDE and not necessarily a Special Education initiative. The intent is to prevent issues later on. They are restructuring the Special Education office; it will take a few years. They are moving away from regional supports and implementing student accountability supports. They are working to include implementation of the Nebraska Reading Improvement Act and implementation of LB1052 (Dyslexia Awareness). LB1052 continues to emphasize the need for early intervention by teachers who have the ability to appropriately know how to intervene when a child is exhibiting dyslexia tendencies. They are also updating MYOPS, the dyslexia technical assistance document, which they will distribute state-wide. Additionally, higher education is going to be required to add dyslexia education within their systems. The challenge for these two items is that there was no fiscal note on them, so it is a challenge to implement them state-wide with no additional funding.

Upcoming activities include hosting the 2<sup>nd</sup> Annual MTSS Summit in Lincoln on August 29<sup>th</sup>-31<sup>st</sup>. There will be about 800 educators at in-attendance. The Special Education Advisory Council (SEAC) meets September 13<sup>th</sup>. The new Special Education Directors will meet on September 28<sup>th</sup>. The Department will be hosting the National Association of State Directors of Special Education (NASDSE) Conference October 7<sup>th</sup>-9<sup>th</sup> in Omaha. Part B and C Results Driven Accountability (RDA) meetings are October 12<sup>th</sup>. This is the federal perspective of moving away from compliance to accountability.

#### Medicaid and Long-Term Care (MLTC)

Heather Leschinsky reported that they have received and posted to their website the No Wrong Door (NWD) Gap Analysis. It can be found at [dhhs.ne.gov/medicaid/Pages/medicaid\\_LTC.aspx](http://dhhs.ne.gov/medicaid/Pages/medicaid_LTC.aspx). The NWD is a recommendation of their long-term care redesign plan. The gap analysis was done to see what action needs to be taken to build off their current Aging and Disability Resource Centers to transition to a more

robust choice counseling system. The next steps are to meet internally to determine resource needs/availability for recommendations to move to NWD. Stakeholder feedback on the gap analysis will be sought at the next Long Term Care (LTC) Advisory Redesign Council meeting on September 5<sup>th</sup>.

They have concluded stakeholder feedback on the Home and Community Based Services (HCBS) Transition Plan. MLTC and DDD continue to conduct their settings assessment. The plan is to submit it to the Centers for Medicare and Medicaid Services (CMS) by the end of the year for final approval of how they plan to either transition settings to fall under compliance with the federal regulations settings rule or settings that may need to go under a heightened scrutiny process. This is related to the final rule that went into effect in March 2014.

They continue to work on their LTC Redesign projects. They hope to have a Request for Proposal (RFP) out this fall to procure an Electronic Visit Verification (EVV) solution vendor, then they will work on procuring a fiscal agent to provide administrative support to their individual providers. They will also be putting out a RFP to procure a case management software solution that is system-wide across DDD and MLTC for their HCBS programs. They currently all use different programs, so they are looking to combine efforts and resources to have one standardized assessment solution. Service coordinators will have access to the data and there will be different portals for the DD providers and clients.

A question was asked whether there is a plan for the Area Agency on Aging (AAA) that received state money for Aging and Disability Resource Center (ADRC) implementation to more broadly represent the DD population. The AAA will do what is required in the legislation: to have partnerships with the DD community. The ADRC is administered through the State Unit on Aging. Cynthia Brammeier, the Unit Administrator, has been hearing feedback regarding the dissatisfaction from the DD community and their participation in the ADRC. She is having to intervene and hold the AAA accountable to get concrete subaward agreements in place to engage the DD population. Please contact Cynthia if you have concerns as she is seeking feedback to see how they can strengthen the participation of the DD community in the ADRC.

#### Developmental Disabilities Division

Courtney Miller reported that the Medicaid HCBS Waiver Services amendment went out for Tribal Notice on July 30<sup>th</sup> and will be posted for the public comment period in August. Part of the Public Comment period is developing materials which help explain what is changing and why. The timeline/work plan was developed by CMS, but they are going to try and seek an extension so her state tour/public meetings will correlate with the public comment period to share the information. A lot of misinformation is going around and people are starting to panic because they hear "cuts." It's not "cuts," it is system changes driven by federal compliance requirements and their coming into compliance. Education is very important as this is very challenging for families to understand. The waiver amendment is tentatively scheduled for an effective date of January 1, 2019.

Courtney is administering a program based on the Division's funding appropriated by the legislature. She would like to eliminate the wait list and implement high quality standards and oversight. They are working on making changes for the good, but the compliance issue is very challenging. They are working on their budget and have until September 15<sup>th</sup> to present their issues and modifications to the budget system. The state computer system requires every funding stream in the agency to submit a 5% modification. It isn't that the agency is offering this up as a good idea and they'd like to do it, but the

agencies have to put forth something. With their budget they serve people and pay providers. They can either serve fewer people or pay less. Those are the options and that is what the system requires.

#### Public Health and Maternal and Child Health (MCH)

Judy Martin reported that the MCH block grant is seeking comments for their 2019 action plan. The MCH block grant funds some programs that support Children and Youth with Special Health Needs (CYSHCN) and their families. They are looking at how to better serve kids with needs and build better Individualized Education Plans (IEPs). Some activities are to expand the use of tele-behavioral health, improve school referrals to behavioral health providers by expanding the role of the School and Community Interventions Program (SCIP), and the Connections Program. The Medical Home for CYSHCN, includes Empowerment of Families to Partner in Decision Making and Access to Additional Family Supports priorities.

Judy stated that Kristen L. volunteered this past weekend at the Special Olympics' Healthy Special Smiles screening with Office of Oral Health State Dental Health Director, Dr. Charles Craft, and dentists and hygienists from the University of Nebraska Medical Center Dental College.

Dr. Tom Williams retired last Friday, August 3<sup>rd</sup>. We are currently without a Chief Medical Officer and are hoping that it isn't a long vacancy.

Judy thanked Kristen L. on making payments and sorting things out with the Accounting Division regarding the grant cycle. She said that Kristen L. has been a great advocate for the Council.

Wayne noted that MMI did a pilot project for the Parent Resource Coordinators and Title V. They are looking at continuing the pilot project and getting Parent Resource Coordinators to go into pediatrician's offices. They are wanting to get advocacy for families and information for the ages 6-21 population. The Department of Education paid for the early intervention (birth-5). They are looking for people to serve as Parent Resource Coordinators, specifically in the Scottsbluff/Chadron, North Platte, and Norfolk/South Sioux City areas. If you know of somebody, let Wayne know. He also mentioned that the State of Nebraska does not have a health care transition clinic. For the population going from pediatric services to family medicine, a planning project was funded by the Medically Handicapped Children's Program that is also going to fund services provided at MMI, hopefully this October, such as Medical Passport on the website. They will have a social worker and a Pharmacy Resource Center (PRC) to help families starting in the Omaha metropolitan area. They have a lot of transition services people can access on a state-wide basis. This will ensure resources are across the board so people can find them. Got Transition is a very good website ([www.gottransition.org/index.cfm](http://www.gottransition.org/index.cfm)) and Ollie Webb has a good booklet they brought up from Kansas that they use as a part of their transition training program.

Judy mentioned that without the Regional Council formal structure, we need to figure out how we can maximize the use of Council members to get the word out about these things. We don't want to lose momentum. Joni Dulaney added that she maintains a list of all the people who were members of the Regional Councils and she still sends them information. If you have information you want disseminated across the state, let her know.

#### Division of Behavioral Health

Sue Adams was unable to attend the meeting so Kristen L. shared her updates. System of Care High Level Proposal for competency development in serving youth with DD/ Serious Emotional Disturbance

(SED) focusing on assessments, general tips on how to work with the population, and where to make appropriate referrals. This is building off some of the conversations from the DD Council's Juvenile Justice Task Force. As an aside, they are consulting with the Technical Assistance Network (TA) to talk through this concept as well as to look at how other states have improved their services and supports to families.

#### Vocational Rehabilitation (VR)

Paige Rose was unable to attend the meeting so Kristin M. shared her updates. The wait list remains in effect for any new individual seeking VR services. The current number on the wait list is 1,648.

A revised Rule 72 has been approved and is in place as of July 15<sup>th</sup>. Rule 72 is the cost sharing and cost containment rules for VR services.

The new FFY starts October 1<sup>st</sup> and VR is hoping for re-allotment or extra funds in addition to the new budget amount. They are anticipating re-allotment status by the end of September.

The VR staff hiring freeze remains in effect. A new Project SEARCH site this fall for Millard Public Schools is at Heritage at Sterling Ridge, replacing Cabela's.

#### **Report of the Grant Review Committee**

Jane, Acting Grant Review Committee Chair, reported that the committee met on Thursday to make recommendations on continuation subawards from People First of Nebraska and the Munroe-Meyer Institute, two formal subawards in response to RFAs in the areas of Community Inclusion – Dementia Care and Training, Community Inclusion – Transportation, and a request for a proposal from Lincoln/Lancaster County Human Services for a project to train School Resource Officers (SROs) in the Lincoln Public Schools System, specifically for middle and high school SROs.

#### People First of Nebraska (PFN) – State Advisor Project

PFN was invited to apply for continuation funds for the State Advisor Project for a maximum of \$42,000. The committee recommended the application be fully funded with no contingencies with an overall score of 83. The committee wants to encourage PFN to seek out additional funding sources. Kristen L. explained that this is a continual recommendation to PFN as Councils have been getting direction from their federal funding source that Councils are not always going to be the funding mechanism for the state self-advocacy system. It is approved in our 5 Year State Plan, but there is no guarantee that we will be allowed to provide direct funding after 2021 in the way that we have been. It was noted that PFN really stepped up, made revisions, had a really clear vision of the future, and more involvement with policy.

The committee recommends to continue funding People First of Nebraska's application in the amount of \$42,000. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 2.**\* Motion carried.

#### Munroe-Meyer Institute (MMI) – Leadership Seminar Series

MMI was invited to apply for continuation funds for the Leadership Seminar Series project for a maximum of \$50,000. Due to a conflict of interest, Wayne was asked to leave the room while MMI's application was discussed and voted on.

The committee recommended the application be funded in the amount of \$50,000 with the following contingencies.

- Revise the sustainability plan and provide additional details.
- Make corrections to the Line Item Budget to include the breakdown of the cash and in-kind match.
- Correct the reference to “eastern” Nebraska instead of “western” Nebraska.
- Increase the stipend for the presenters who are also participants and the family members as to \$100/day.
- Change the timeframe for following up with participants from 90 days to 30 days for the evaluation.

A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0\*** Motion carried.

#### Alzheimer’s Association-Nebraska Chapter – Dementia Capable Care of Adults with Intellectual Disabilities and Dementia

An RFA was released for a maximum of \$30,000 for a Dementia Care Training project under the Council’s State Plan Goal of Community Inclusion. Janet Miller submitted an application partnering with the Alzheimer’s Association-Nebraska Chapter to present training using the Dementia Capable Care of Adults with Intellectual Disabilities and Dementia program.

The committee did like the collaboration efforts and the train-the-trainer format and recommended funding the application in the amount of \$29,829 with the following contingencies.

- Clarity is needed regarding the budget, especially the match and trainers fees.
- Project Sustainability needs clarity to demonstrate further self-sustainability after Council funds end.

A roll call vote was taken: **Yes – 11, No – 0, Abstain – 3\*** Motion carried.

#### Lancaster County – School Resource Officers Training

At the May Council meeting, members voted to release a competitive RFA for the training of SROs in either the Lincoln or Omaha School District. After the Council meeting, Kristen L. learned at the Council’s next Juvenile Justice Task Force meeting that Omaha has already demonstrated great effectiveness using a specific SRO curriculum and that the focus needs to be on Lincoln. It was also recommended that the RFA not be competitive but instead to request a proposal from Lincoln/Lancaster County Human Services for the project as they work with closely with the Lincoln Police Department and Lincoln Public Schools in similar areas. A Request for Proposal was sent to Lincoln/Lancaster County Human Services for the project to train School Resource Officers (SROs) in the Lincoln Public Schools System, specifically for middle and high school SROs, for a maximum of \$30,000.

The committee did not score this application as they determined it needed to be rewritten due to several areas of the project that need to be clarified and detailed. Council staff should contact them to request revisions to the proposal which can be resubmitted for review at the November meeting.

- The project timeline. The subaward period runs from October 1, 2018 through September 30, 2019, however training would not occur until June 2019 due to the need for SROs to be in the schools during the school year. This would not allow enough time to show the effectiveness of the training between when the school year begins and the subaward ends (see Data Collection below).
- Data collection. The project would require a full year of data collection to see if the training moves the needle on decreasing African-American male students with developmental disabilities who are suspended from school. Provide details on how data will be collected to show the out-of-school suspension rates pre-SRO training and post-SRO training.

- Applicant should consider possible collaboration with other community partners such as churches, community centers in neighborhoods, libraries, etc.
- Line Item Budget. Budget should better reflect the matching funds and remove the reference to incentives and the match for the incentives.

The committee recommendation is to not fund the Lincoln/Lancaster County application at this time. A roll call vote was taken: **Yes – 12, No – 0, Abstain – 1\*** Motion carried.

#### Community Inclusion – Transportation

An RFA was released announcing the availability of up to \$30,000 in funding for the Council's State Plan Goal of Community Inclusion focusing on transportation. No applications were received.

The committee recommended to table the RFA for reconsideration at the November 2018 meeting. A roll call vote was taken: **Yes – 14, No – 0, Abstain – 0\*** Motion carried.

#### **Opportunity Subaward Review**

The Council released an RFA for Opportunity Subawards. Council members were assigned specific applications to review prior to the meeting. Council members met in small groups for discussion on their assigned application and reported out their recommendations and any contingencies to the full Council for discussion and vote. The Council received applications from Special Olympics Nebraska; Educational Service Unit #13; Nebraska Association of Service Providers – Public Education and Advocacy Hub Project; Nebraska Association of Service Providers – Economic Impact Study, DD Providers; Nebraska Developmental Disability Collaborative; and Disability Rights Nebraska – Inclusive Education Lay Advocacy. Council members voted on and approved funding the following subawards.

#### Special Olympics Nebraska – Athlete Leadership Program

Kristin M. asked for a motion to fund the application in the amount of \$10,000 with the contingency that teachers should ask the students to evaluate the class within 30 days. Erin made the motion, Jane seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0.\*** Motion carried.

#### Education Service Unit (ESU) #13 – Increased Self Advocacy and Stronger Transition Plan Development through Person-Centered Planning

Kristin M. asked for a motion to have ESU #13 resubmit their application for the November meeting. Recommendations were to identify the gap and what is currently being funded and to provide a personnel budget justification. Jane made the motion and Debbie seconded. A roll call vote was taken: **Yes – 12, No – 0, Abstain – 1.\*** Motion carried.

#### Nebraska Association of Service Providers (NASP) – Public Education and Advocacy Hub Project

The Council did reach out for technical assistance guidance to see if this was a fundable project or not. This application would be considered lobbying, which is not allowed using federal dollars. Kristin M. asked for a motion to not fund the application. Debbie motioned to not fund NASP's opportunity subaward application. Sharon seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0.\*** Motion carried.

### Nebraska Association of Service Providers (NASP) – Economic Impact Study – DD Providers

Kristen L. expressed that our discussion determined we couldn't relate this to an Employment goal. Kristin M. asked for a motion to not fund NASP's application because it does not tie back to any of the five goals in the Council's State Plan. Brenda motioned to not fund the application. Sharon seconded.

A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0.\*** Motion carried.

### Nebraska Developmental Disability Collaborative – Assessment of Transitional Services for Nebraska Youth

Kristin M. asked for a motion to have Nebraska Developmental Disability Collaborative resubmit their application with the following recommendations.

- Clarify that the project will help advocate for system changes and the report will be used for better transition outcomes. Demonstrate that the project benefit extends beyond Autism Speaks.
- Provide details on the project partners and their roles. How will the communication gap to parents and school administration be bridged?
- Identify the systems level gap that renders the implementation of both state and federal laws inadequate.
- Expand on the state-wide assessment to include what instrument will be used to assess transition services, how the assessment be administered and by whom.
- Provide more specificity in the project activity timeline.
- Include information on who will be conducting, compiling, and analyzing the research to ensure it is statistically sound; who will prepare the report and how it will be disseminated; who will be the keeper of the data and where it will be housed. Consider partnering with PTI Nebraska to expand project sustainability.
- Rework the budget to show clear detail on where costs are being applied.
- Ensure that Council funds will not be used for lobbying.

Debbie motioned to have Nebraska Developmental Disability Collaborative resubmit their application with some of the recommendations the Council had. Steve seconded.

A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0.\*** Motion carried.

### Disability Rights Nebraska – Inclusive Education Lay Advocacy

Disability Rights Nebraska contacted Council staff to withdraw their application. Due to staffing changes, they were unable to begin the project when they had planned. In order to complete the project, they requested an additional three months with no additional funding instead of applying for a new subaward. The no-cost extension will allow them to complete their current project. They plan to submit an Opportunity Subaward application this January to expand the project for the Council to consider their application at the February 2019 meeting.

### **Conference Requests**

Jessica is requesting funding from the Council in the amount of \$377 to attend the annual People First of Nebraska Convention. This includes registration and meals. Kristen M. asked for a motion to approve Jessica's request.

Erin motioned to approve Jessica's request for funding from the Council in the amount of \$377 to attend the People First of Nebraska Convention. Jennifer seconded. A roll call vote was taken: **Yes – 12, No – 0, Abstain – 1.\*** Motion carried.

Jessica is also requesting funding from the Council in the amount of \$1,238 to attend the 2018 International Conference on Attention Deficit Hyperactivity Disorder (ADHD) in St. Louis, Missouri in November. Kristen L. reminded the Council that the travel policy for Council members allows funding for two in-state and one out-of-state conference/training. Kristen M. asked for a motion to approve Jessica's request.

Debbie motioned to approve Jessica's request for funding from the Council in the amount of \$1,238 to attend the 2018 International Conference on ADHD. Jennifer seconded. A roll call vote was taken: **Yes – 12, No – 0, Abstain – 1.**\* Motion carried.

### **Annual Evaluation of the Executive Director**

Kristin M. explained that the next few agenda items are to bring Council members up to speed and keep them informed of the progress being made regarding the iTACC visit and the Council's compliance issues.

Based on iTACC's recommendation, the Council needs to perform an annual Executive Director Performance Evaluation. An evaluation form and review process is being developed and will need to be in place before the November Council meeting in order to meet the evaluation timeframe that correlates with the State employee evaluation period. Council members will collectively conduct the Executive Director's Performance Evaluation at the November Council meeting and annually at the November meeting thereafter. Typically in the past, the input that has gone into Kristen L.'s State employee performance evaluation has been provided by the Council Chair only. Now it will be all inclusive of the Council membership. Kristin M. explained that the Council's input is important in this process so all Council members will fill out the evaluation form, to provide documentation of all Council feedback, and submit their evaluation to the Council Chair. The Chair will then share the Council's evaluation with the Designated State Agency's (DSA) representative for uploading into the State's evaluation system.

Kristen L. mentioned that Judy is on the Compliance Committee and has been trying to schedule a meeting with the DSA's Human Resources representative. She stated that she has smart goals that have been drawn up based on a generic Executive Director Performance Evaluation that iTACC recommended and that she specifically set her smart goals to be reflective of what an Executive Director would do. This is a matter of meeting what is federally mandated and figuring out how that works with the state system. The state has moved to merit based increases for Rules covered staff, so if she doesn't meet her smart goals, she won't get the 1.5% raise in January.

### **Council Executive Director Supervision Procedure**

Kristin M. explained that up to this point, the Council has not been Kristen L.'s supervisor, the DSA has been the supervisor. Since the DSA "houses" Council staff, the DSA felt they also supervise Council staff. The Compliance Committee and DHHS are trying to develop a procedure that both parties agree on. This might be something that is put into a Memorandum of Understanding (MOU). As the process evolves, the Council will be updated. Kristen L. explained that the DSA has asked for examples of MOU's. She explained that she have received some examples from iTACC and those have been given to the DSA. The DSA is demonstrating a good faith effort that they want an MOU. If the Council is truly independent and comes out against a DHHS policy/procedure, the MOU would provide protection for the DSA liaison. This process is not moving as quickly as anticipated. The target date to have this process in place is May 2019.

## **Regional DD Councils**

Kristen L. reported that official letters have been sent to all the Regional DD Council Chairs stating that the Regional DD Councils have been dissolved. They were asked to share it with their membership. Council members received a copy of the letter in their meeting packet. The letter stated that based on the review by iTACC, the Council was out of compliance and will no longer be supporting the Regional DD Council structure. The Regional DD Councils have been directed to dissolve their By-Laws and to no longer call themselves Regional DD Councils. They can still meet, but need to call themselves something different. A few groups are going to continue to meet under a different name. After sending the letter, Kristen L. called and talked directly to each of the Regional Council Chairs. She is waiting to get confirmation from Region II that they understand and will comply. She has the confirmation from the other Regional DD Councils. Kristen L. remarked that we need to be thoughtful as we go forward on how we are going to engage our stakeholders across the state. Kristin M. stated that she was in full support of promoting the rural and diverse membership. As a Council, we need to come up with creative ways to engage them. As we go forward, maybe one of the Standing committees we develop will be to do outreach/to keep a strong grassroots effort in our state going. The question is, how do we engage these key stakeholders?

## **Conference Attendance Reports**

In February 2018, Kristin M. attended the 2018 Association of Maternal and Child Health Programs (AMCHP) Annual Conference in D.C. It was a great opportunity to see the family leaders engaged in a way that she wasn't familiar with. She works with the Leadership Education in Neurodevelopmental and Related Disabilities (LEND) Program at the Munroe-Meyer Institute (MMI) and Grassroots Family Advocacy. This was interesting to see Title V and how families come together in different states to advocate and/or participate in different programs that are going on across the country. She was able to meet one of her mentors. She was surprised with the number of topics that Title V and/or our Public Health Departments are addressing and engaging in. One of those topics involved how they are targeting dads across the country to be more engaged in their families and raising their children. Dads are often overlooked and there aren't many programs for them to participate in.

Jennifer attended the 2018 PHACE National Family Conference in Atlanta. There were about 45 families, which was the biggest conference yet. She said it was nice to talk to the parents and kids. The personal connections she made with people was the best part. She learned some new things by talking with others.

## **2017-2021 State Plan Updates**

Kristen L. updated the Council on where we are with the state plan.

**Goal 1: Lifespan Transition:** Improve transition across the lifespan of more individuals with intellectual and other developmental disabilities (I/DD) of diverse identities and their families.

**Objective A:** An increased number of individuals transitioning out of special education and their families will be provided with information to expand their knowledge of adult services and other community resources for adult living.

- We are making good progress on this by funding the Transition Resource Guide, which will be finalized and ready to bring to the November meeting. We are funding the Advocacy Partnership and

Transition Conference and Classes across the state. We have also done some collaboration with the DD Division to reprint the "Ready, Set, Go" materials and the ADRC brochures.

Objective B: An increased number of adults with I/DD and their aging families will be identified through outreach activities and provided with information to expand their knowledge of adult services and other community resources.

- This is an area where we really need to be doing some outreach to identify those aging families who have adults with I/DD living with them.

Objective C: An increased number of individuals with I/DD and their families will be provided with information to expand their knowledge and acquire skills for developing self-directed, person-centered plans.

- Needs more work. There is work going on around the state. VR has been giving out some grants where their grantees are using curriculum that we funded and developed. This isn't something we are funding now.

**Goal 2: Advocacy and Self-Determination:** Improve advocacy, self-advocacy, and self-determination for more individuals with intellectual and other developmental disabilities (I/DD) of diverse identities and their families.

Objective A: Strengthen support for an increased number of self-advocates through leadership development and coalition participation by:

1. Providing direct funding to People First of Nebraska for advocacy activities.
  - Making some strides by continuing to fund PFN in FFY17, FFY18, and FFY19.
2. Supporting opportunities for individuals with I/DD who are considered leaders to provide leadership training to individuals with I/DD who may become leaders.
  - Met through PFN. At the Disability Legislative Advocacy Day at the capitol in February, Erin presented on how to greet and introduce yourself to your senator and be a good advocate.
3. Supporting participation of self-advocates in cross-disability and culturally diverse leadership coalitions.
  - This has been happening with PFN Leadership Training in Kansas. FFY17 funds were used for Close-Up trips to Washington, D.C. Funded some of our own self-advocate members to go to different conferences and give reports at Council meetings.
4. Supporting the development of a curriculum to be used statewide for the development of self-advocacy and self-determination skills.
  - Kristen L. wants to check with Wayne to see what MMI is doing so we don't duplicate efforts. Maybe this goal goes off if MMI is doing it. She also visited with Courtney about some efforts going on with the DD Division to do some training on self-determination. We could potentially collaborate with them.

Objective B: Advocate for positive systems change impacting the lives and health of individuals with I/DD of diverse identities and their families through active participation in: statewide advisory committees and cross-disability workgroups; public policy advocacy; cross-systems dialogue; and DD Network collaboration.

- We are making good progress with the Leadership Seminar Series, Tri-Board meetings, and partnerships. With legislative work, we educated policymakers with the Council's stance on proposed bills. Kristen L. has also been serving on multiple advisory councils and workgroups.

**Objective C:** Address the targeted disparity issue with African-American male students with developmental disabilities who are incarcerated or enter the criminal justice system at higher statistical rates by:

1. Provide support to address barriers, advocate for, and expand opportunities for an increased number of individuals to participate in community integrated employment or entrepreneurship.
  2. Increase opportunities for self-advocates to share employment experiences and promote community integrated employment and entrepreneurship with peers and stakeholders.
  3. Provide access to benefits planning services for an increased number of service providers, individuals with intellectual and other developmental disabilities and their families to support the person's employment choices.
- Doing great work with the Juvenile Justice Task Force. There has been additional Task Force outreach. Members of the Nucleus Team presented at the Nebraska Department of Education Administrator Days. Administrators were very interested in the work being done and were interested in the potential School Resource Officer training that the Council is wanting to do in Lincoln, and would like that to go across the state. Additional outreach included an information table at the Juvenile Justice Conference and training at the Heartland Juvenile Services Annual Conference, and an upcoming training has been scheduled for the Nebraska State Bar Association. Resubmittal of the School Resource Officer proposal will specifically address this goal. A lot of collaboration is going on here to make system changes.

**Goal 3: Employment:** Influence systems change to provide increased opportunities for more individuals with intellectual and other developmental disabilities (I/DD) of diverse identities to pursue an employment path of their choice.

**Objective A:** Provide support to address barriers, advocate for, and expand opportunities for an increased number of individuals to participate in community integrated employment or entrepreneurship.

- A lot of our initial subawards address this; the Heartland Equine Therapeutic Riding Academy (HETRA) program, ESU #7, and MMI's CLM Farm Project. As systems are changing, the Council needs to see how VR steps in to provide employment supports and when Medicaid Waiver Services are used to support employment.

**Objective B:** Increase opportunities for self-advocates to share employment experiences and promote community integrated employment and entrepreneurship with peers and stakeholders.

- We are missing the piece where self-advocates share their stories with other self-advocates. The Special Olympics subaward that the Council just approved would fall under this goal. The athletes will go through the training in their communities and have business mentors from their communities.

**Objective C:** Provide access to benefits planning services for an increased number of service providers, individuals with intellectual and other developmental disabilities and their families to support the person's employment choices.

- We are still missing the piece on improving access to benefits planning.

**Goal 4: Community Inclusion:** Increase community inclusion for individuals with intellectual and other developmental disabilities (I/DD) of diverse identities.

- Our goals are very broad so we can incorporate different things with them.

**Objective A:** Increase opportunities for community inclusion for individuals with I/DD.

- The Dementia Care subaward the Council approved today would fit here. Disability Rights Nebraska's Inclusive Lay Advocacy Work and Inclusive Education Advocacy Training falls here. The Autism Women's Network Girl Anthology Project, the book What Every Autistic Girl Wishes Her Parents Knew falls here. The Council has also been funding Break Through Inc. to do some awareness projects.

**Objective B:** Expand and enhance respite care services throughout the state.

- We will be getting the final report from the Respite Task Force at the end of September. We also had some cross-over with some respite training before we started the State Plan. There may be some additional work we can do once we get the final report from the Respite Task Force showing where the gaps and barriers are.

**Objective C:** Expand and enhance inclusive childcare opportunities throughout the state.

- The Council may want to consider removing this objective from our State Plan as we might not be able to address it in the years remaining, and knowing that the Council has other things to take on.

### **Update on the Tri-Board Training**

Kristin M. talked about the Tri-Board Training. The Tri-Board consists of DRN, MMI – UCEDD, and the DD Council. The Tri-Board Training was held on June 1<sup>st</sup>. The topic was the National Core Indicator (NCI) data and how we can use it moving forward. The training reviewed results of the Adult Consumer Survey for Developmental Disabilities in Nebraska.

Wayne asked the Council to be thinking about a topic for next June's meeting. It is planned to be held at Southeast Community College, the Jack Huck Center for Continuing Education again on Friday, June 7, 2019. Perhaps we could review next year's data or the Aging and Disability (A&D) waiver surveys or follow up from some of our Olmstead State Plan. The Tri-Board training provides a great forum to share information and to discuss what to do with it to make system changes.

### **Staff Updates**

Joni said that she is slowly recovering from her car accident and is getting to everything as quickly as she can but is limited on the number of days per week and hours per day that she can work. The days/hours will gradually increase until she is back full-time. She appreciates everyone's patience.

Kristen L. reported that there is some potential movement with advocates at the federal level possibly wanting to reopen the Workforce Innovation and Opportunity Act because family members are not liking that the sheltered workshops are going away as required in the HCBS Final Rule. Our charge as a Council, reflective of the DD Act, is about integration and inclusion.

The Juvenile Justice Task Force is doing great work and the new contract with John Ferrone is being finalized.

Kristen L. attended a Healing Justice film sponsored by a coalition for a Strong Nebraska and it addressed the disparities in the Juvenile Justice System. She will be presenting at the Autism Conference on August 24<sup>th</sup> on self-advocacy and encouraging developing these skills in children and youth with autism.

Kristen L. mentioned that the DSA would like the Council to consider using flash drives and laptops at meetings instead of all the paper hard copies. The Council would have to budget to purchase laptops for meeting use. Agency representatives who have laptops would use theirs. This would greatly reduce the amount of paper needed to print meeting materials. As staff, we are concerned because we would have to haul laptops back and forth and find a place to store them. Maybe the DSA's recommendation could be met half way and those with the ability to use laptops could. Kristin M. said that years ago Council members were asked whether they wanted to receive paper copies or an electronic version; the majority wanted paper copies. Thoughts on this subject included:

- Since packets have to go out two weeks before, how does this play into our procedures?
- Can Google Docs be used?
- We are a public meeting so the concern about confidentiality is moot.
- If we were to send all the documents via email, would that cause email problems for the recipient? Then if you felt like you needed things printed, do you have a printer, the paper, and the ink to print everything out?
- Could do both ways – send materials electronically to those who want it electronically and mail a hard copy of the packet to those who prefer paper.

Kristin L. said we were reviewing our process and to be watching for an email from Council staff to see what each Council member prefers.

### **Member Updates**

Hayley participated as an athlete at the National Special Olympics held Seattle. She explained that the newspaper upgraded her with receiving a silver medal in singles tennis, it should have been a bronze medal. She brought in some pictures to share. Competing was "cool" and she participated in "Healthy Athletes." Special Olympics hosted a job fair. Her picture was on the program cover for the Special Olympics Nebraska 2018 Fall Games.

Jen reported that they went to Kansas City to a headache clinic at Children's Mercy. There is a new device you can put on your head called "Cefaly," which is a Transcutaneous Electrical Nerve Stimulation (TENS) unit to reduce headaches. Her daughter hasn't complained of a severe headache since trying it. They will be going back to Kansas City for other treatments as well to assist with her daughter's headaches.

Erin reported she will be having medical procedure at the Mayo Clinic that will allow her to breathe easier.

Jessica got a new car. She played softball this summer and they were the 2018 Co-Ed Champions. She has an interview Wednesday with Leadership Scottsbluff.

G.R. said his brother is getting married at the end of September and it will be a beach wedding. This will be the first time for him to see the ocean.

### **Public Comment**

Kristin M. opened the meeting to public comment and thanked Georgette for being at our meeting. When asked if any other Councils across the country are addressing Emergency Preparedness, Georgette said no Councils were addressing Emergency Preparedness and this is why they are trying to get out and do outreach. It is something important that we should all be aware of. One of the reasons the push is so great is to make certain that we have the disabled community connected with the Emergency Management System. She was in Puerto Rico for nine months and there was no communication with the disability resources. As Emergency Managers they were looking out for the different resources, but none of the resources worked together. Puerto Rico was a major catastrophe and they learned what could be improved upon. Kristen L. said at the national conference they had presentations and heard from folks regarding man-made catastrophes and weather related catastrophes. It is definitely something the federal government would like more collaboration on. Jessica noted she is on a disaster force in Morrill and works with the Emergency Manager.

It was asked since the Regional Councils are dissolving and the annual conference that brought them all together is dissolving as well, are there any Councils that have some sort of annual conference? Kristen L. said there are Councils that have an annual conference. For example, Wyoming has an Employment First Conference on an annual basis. This is something that the Council could consider. It would need to be written into a work plan and the Council would need to make sure that we have approval from AIDD to use funds this way.

Jen said that Husker Heroes registration opened yesterday and is open to anyone across the state. She will send the information to Joni to be sent out via email.

### **Adjourn**

The meeting adjourned at 3:27 pm. The next meeting is scheduled for November 16, 2018.

\*Record of voting on file.