

Nebraska Planning Council on Developmental Disabilities
November 16, 2018 9:30 am
Highlands Golf Course Conference Room
5501 NW 12th 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, Dale Johannes, Seamus Kelly, Judy Martin, Kristin Mayleben-Flott, Courtney Miller, Sharon Miller, Ryan Moore, Sharon Orduña, Erin Phillips, Paige Rose, G.R. Smith, Wayne Stuberg, Dee Valenti, and Jane Ziebarth-Bovill.

Absent: Sue Adams, Clarice Jackson, Heather Leschinsky, Jennifer Meints, Steve Milliken, Donna Montgomery, Debbie Salomon, and Haley Waggoner.

Guests: Eric Evans, Robyn Grotfeld, Lisa McMichael, Marla Moore, and Jennie Schneider.

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

Nebraska Open Meetings Act

Kristin Mayleben-Flott announced that the Council meeting is following the Open Meetings Act and a copy of the act is hanging on the wall by the entrance to the meeting room.

Approval of Minutes

Jessica Barrett, Council Secretary, asked if there were any corrections to the August 10, 2018 meeting minutes. As there were no corrections, Kristin M. called for a motion to approve the minutes. Dee Valenti made the motion and Wayne Stuberg seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 1.*** Motion carried.

Declaration of Conflicts of Interest

As required by Council policy, at the first meeting of each Federal Fiscal Year (FFY), members of the Council shall verbally disclose any potential conflicts of interest of which they are aware. They are noted below:

Sue Adams	Absent
Jessica Barrett	None
Brenda DeLancey	Children's Hospital and Medical Center
Clarice Jackson	Absent
Dale Johannes	Tabitha Nursing Home, Brain Injury Advisory Council
Seamus Kelly	Disability Rights Nebraska, Parent Training and Information Nebraska
Heather Leschinsky	Absent
Judy Martin	Department of Health and Human Services
Kristin Mayleben-Flott	Munroe-Meyer Institute
Jennifer Meints	Absent
Courtney Miller	Department of Health and Human Services
Sharon Miller	Mosaic, Fillmore Central Public Schools
Steve Milliken	Absent
Donna Montgomery	Absent
Ryan Moore	Bellevue Public Schools

Sharon Orduña	None
Erin Phillips	People First of Nebraska
Paige Rose	Nebraska VR, Client Assistance Program
Debbie Salomon	Absent
G.R. Smith	None
Wayne Stuberg	Munroe-Meyer Institute, Partnership for Autism Career Employment Board of the Autism Action Partnership
Dee Valenti	Developmental Services of Nebraska
Haley Waggoner	Absent
Jane Ziebarth-Bovill	University of Nebraska – Kearney, Lions Club

Fiscal Report

Kristen Larsen explained that we have changed the way we track spent money to align with the period of performance requirement set by the Office of Grants Management (OGM). We are using the Federal Fiscal Year (October 1 to September 30) instead of the State Fiscal Year (July 1 to June 30).

The first page of the Fiscal Report handout provided at the meeting shows the budget for Federal Fiscal Year 2019 (FFY19) and the Year to Date Expenditures, which covers only October, the first month of the federal fiscal year. The FFY19 Operating Budget is \$293,702. The Year to Date Expenditures are \$18,953 which is about 6.5% of the total budget.

The top half of the second page shows a Balance of Current Funds Available of \$137,065.72 (Current Funds Available minus Expenditures).

Current Funds Available (Period of Performance):

- \$159,100 remaining of the FFY17 Grant Award (October 1, 2016 to September 30, 2018).
- \$503,263 remaining of the FFY18 Grant Award (October 1, 2017 to September 30, 2019).
- \$41,718 partial award received of the FFY19 Grant Award (October 1, 2018 to September 30, 2020). Congress has approved our funding for the whole year but we haven't received the full award amount yet.

Expenditures:

- FFY17 Subaward and Contract Obligations: \$160,099.29
- FFY18 Subaward and Contract Obligations: \$113,213.99
- FFY19 Operating: \$293,702.00

We are over-obligated on the remaining FFY17 expenditures, so some of that expense will be shifted to FFY18 funds.

The bottom of the second page shows total anticipated FFY19 funds to be obligated of \$207,894. Please keep in mind we do not have the full award yet so we can't make a decision on how to spend the money until we have it in hand.

The third page shows the change we are being required to make to the way we spend our federal dollars. In the past, we had the third year to finish the work and liquidate the funds. Now we have two years to obligate and liquidate funds. The third year is liquidation only, no work. As a result, we will need to speed up the award process to ensure we are spending the money down. The good news is our

national organization has lobbied with the OGM to provide us with some cushion to transition into this new requirement. The FFY19 award notice includes a clause that allows us a one-time exception to finish doing work in the third year while we liquidate funds. Unfortunately, now the Accounting Division in our Designated State Agency (DSA) says we are not following the period of performance and they require documentation from OGM that gives us permission to draw the funds down. Last month, Kristen L. asked Jennifer Johnson, the Deputy Director of the Administration on Intellectual and Developmental Disabilities (AIDD), for this documentation. Last week, Program Officer Sara Newell-Perez said they are initiating the process to get something in writing for the DSAs. If we don't spend the money down, it will revert back to the federal government. The driving force for this was a DD Act Final Rule Authorization of 2014 and the prior leadership administration of the OGM did not enforce it. The current leadership administration is enforcing this and watching every penny. We were advised by the federal government that if we aren't able to completely spend down one year's award, it does not impact the next year's awards.

It was suggested that the Executive Committee could meet prior to the next Council meeting to brainstorm ideas of ways to spend the money down. Kristin M. mentioned that the Planning Committee meets in May and they could be tasked with making some suggestions to the Council.

Committee Assignments and Committee Chairpersons

A list of committee assignments was included in the packet. Kristin M. asked Council members to review the assignments and to contact Council staff if there were any changes needed. Thank you to Jane Ziebarth-Bovill, Ryan Moore, and Brenda DeLancey who will be serving as Committee Chairpersons.

Committee meeting dates are:

- Legislative & Advocacy Committee – January 31, 2019
- Planning Committee – May 16, 2019
- Grant Review Committee – August 8, 2019

Large Subawards

University of Nebraska Medical Center (UNMC)/Munroe-Meyer Institute (MMI) – *Dementia Capable Care of Adults with Intellectual Disabilities and Dementia*

Joni Dulaney explained that the application for *Dementia Capable Care of Adults with Intellectual Disabilities and Dementia* has a new fiscal agent, UNMC/MMI, as the Alzheimer's Association-Nebraska Chapter fell through. This changed some of the information in the application and the line item budget. Since there is a new fiscal agent and changes to the application/line item budget, the application needed to be resubmitted for Council approval. Wayne recused himself during the discussion and vote.

Dale Johannes said that this training is desperately needed in western Nebraska, but he was concerned that the timeline has already passed. Joni explained that if the subaward application is approved, the subaward would start January 1, 2019 and the training would begin in April 2019.

Sharon Miller asked about sustainability after the subaward end date. For sustainability, Joni explained that the training is two days and they are hopeful that at least 10 people at each location will stay for the third day of *train-the-trainer* training. Then those people would go out into their communities and train more people.

Regarding the funding for meals, Kristen L. explained she received guidance from OGM that meals were allowed in a workshop/training setting where technical assistance information is being distributed. This line item is allowable for this training proposal.

Kristin M. called for a motion to approve the *Dementia Capable Care of Adults with Intellectual Disabilities and Dementia* project with the following contingencies/suggestions:

- Shift the timeline.
- Change 15.0 FTE to 0.15 in the application narrative.

Sharon M. made the motion and Erin Phillips seconded. A roll call vote was taken: **Yes – 12, No – 0, Abstain – 2.*** Motion carried.

Lancaster County – School Resource Officers Training

Kristen L. explained that this Request for Proposal was a recommendation that came out of the final report of the Council-funded Juvenile Justice Task Force and helps us to make progress on the Council's Targeted Disparity Goal. The training is for School Resource Officers (SROs) and school administrators and is designed to prevent kids from entering the Juvenile Justice classroom-to-courtroom pathway. Lincoln Public Schools is collecting data prior to the training and after to see if the training makes a difference on the Council's targeted disparity goal. The initial application was submitted and reviewed by the Council at the August 10, 2018, meeting. It was determined that while the goal and work plan for the project were good, it lacked detail and needed to be rewritten. A detailed letter was sent to the applicant with what needed to be rewritten. This rewrite captured the needed changes.

The final report will be made available to the Council and placed on the Council's website for the public to review. The data will be shared broadly as noted in the application. The project will be sustained by Lincoln Police Department personnel. They will be training the SROs and have someone on staff who is a trainer in order to continue to train new SROs.

Kristin M. called for a motion to approve the *School Resource Officers Training* project. Wayne made the motion and Dee seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 1.*** Motion carried.

Olmstead Plan Update/Messaging

Kristen L. explained that the Council previously approved funds toward hiring the consultants from the Technical Assistance Collaborative (TAC) to develop the Nebraska Olmstead Plan. Updates to Nebraska's Olmstead Plan can be found on the Nebraska's Olmstead Plan webpage on the DD Division website. Disability Rights Nebraska also has a page dedicated to the Olmstead Plan on their webpage. A handout from their webpage, *Inside Olmstead*, was provided at the meeting.

The TAC consultants are addressing Phase II of their contract work where they begin drafting the Olmstead Plan to review at the next stakeholder meeting in December.

Courtney Miller explained that based on the feedback from TAC, Phase II isn't complete. More key stakeholder interviews need to be done. Courtney talked with the TAC team asking them to submit a revised timeline as we will not reach the December 15 date established by the State Legislature to submit the plan to the legislature. DHHS is comfortable with a revised timeline as they do not wish to utilize dollars to pay for an inadequate plan. They are working on preparing a report and a briefing for the

Legislature on the efforts that have been made so far and present TAC's plan. Rather than utilize dollars to write the actual plan, DHHS is looking at TAC to submit the proposal to complete Phase II, which will cost additional dollars to complete the final plan. Once the proposal is received, a meeting with the Legislature and Governor will be set to discuss additional dollars that will be necessary to carry through.

Kristen L. shared that per TAC consultants, we need to improve our messaging on the Olmstead Plan. There is a subset of parents with adult children who have I/DD who are nervous about all the changes that have happened and will happen. They aren't sure about the Olmstead Plan, and to have this as an advocate's opinion is alarming. Courtney met with Kristen L., Diane DeLair of Disability Rights Nebraska, and Sarah Swanson of the Munroe-Meyer Institute to discuss ways to address the messaging issues so the parents are aware of what the Olmstead Plan does and how it differs from other final rules. Courtney and Diane will be co-writing an opinion editorial to educate the public about the need for an Olmstead Plan. Olmstead goes beyond the I/DD population, it is for everyone. Wayne stated it's not only parents who are concerned. The National Core Indicators (NCI) project, where a number of people at the Beatrice State Developmental Center (BSDC) had been interviewed, clearly expressed that they don't want to leave there. It's not just messaging, but programming and core values. Where we are going in the future and what options are available.

Kristen L. stated that when she went to the Executive Director's Leadership Summit in October, a lot of the focus was on messaging: what is the messaging that Councils want to share? There was a presentation from N&R Publications. A copy of the publication entitled *Meet Me*, a marketing piece created in California by N&R, was included as a handout at the meeting. N&R took a journalistic approach to messaging and setting that hook that would tie people without I/DD to understand what issues are being dealt with in our community. This insert was used to highlight inclusion, living arrangements, competitive employment, etc. Kristen suggested that the Council could contract with N&R to come to Nebraska and do a two hour interview with a diverse group of cross disability individuals to develop a storyboard highlighting different stories that would reflect back on to the Olmstead Plan, the positive that the Olmstead Plan brings, as well as some of the challenges. The cost to bring N&R in to develop the storyboard and do a photo shoot is \$13,750. There would be an additional cost to put the publication into some major newspapers across the state. Once the publication is created, it is .09¢ per insert and we would own the digital access so we could post it on our website. The publication could be disseminated to our state Senators so they are aware of the Olmstead Plan and its impact. The total estimated cost for this project is \$44,803.30. It takes about 14 weeks for production.

This publication would be a good way to promote what the Council does, the work we've done, and the lives we've impacted. However, there was concern by Council members of doing a storyboard specifically on the Olmstead Plan. Unless the concerns people have regarding the Olmstead Plan are addressed and alleviated, there are going to be families who represent the same community who are for and families against the Plan. Legislators will be in a quandary with opposing positions. There are people who are adamant that if changes are made, their loved ones quality of life will diminish. It was felt that the storyboard would be a good idea, but more needs to be done, such as discussions taking place across the state with families about the Olmstead Plan. Another concern is timing. If we do all positive stories, the senators may say that since the Council is addressing concerns, we don't need an Olmstead Plan.

It was recommended to put something like this together for the purpose of Council awareness and to not do all positive stories. Stories could include someone who is facing challenges, someone who lives in an

institution, rural transportation, etc. Sharon M. mentioned that the demographic who still subscribes to a newspaper is dwindling. A lot of people now get their news on-line. Kristen L. said there would be an additional cost if we wanted to have newspapers put the publication on-line. Judy Martin said that we would be able to use DHHS's Office of Communications to assist with this. Courtney suggested sending this out on the DD Division's list serve.

Kristin M. called for a motion to approve the funding amount of \$48,000 to create a publication that would be a public relations piece for the Council to come out in March to coincide with Disabilities Awareness Month with members and partners committing to a two hour timeframe to develop some good stories that highlight the Council and the values of the DD Act. Dale Johannes made the motion and Sharon M. seconded. A roll call vote was taken: **Yes – 14, No – 0, Abstain – 1.*** Motion carried.

The last page of the *Me Too* publication listed supporters, we could do that in a future edition for sustainability. Kristen L. will do a Doodle Poll for suggested dates in January to meet so we can have as many people as possible attend.

Wayne asked if we were going to have any discussion on how the Council could be involved to get families to a good place with the Olmstead Plan. Kristen L. said that one of the ways to address this was with the opinion editorial to show the Olmstead Plan is different from the Final Rule. Kristin M. suggested making this an agenda item for the February meeting to discuss further. Courtney stated that the Olmstead Planning Committee will examine the Olmstead Plan, not the general public. The plan gets submitted to the Legislature, then there is legislative action on how to fund it. That is the public hearing. Time is of the essence if the Council is wanting to do something regarding information. The report will go to the Legislature by December 15th saying that the Department is unable to produce a plan at this time. Here are the steps we have taken and why. Here's a proposed plan and projections. By the end of the legislative session we will know whether there are additional dollars funded for TAC to continue their work. In the limited time we have, the Executive Committee could prepare a brief letter to all Senators stating the Council's position regarding the Olmstead Plan.

Conference Request

Jennifer Meints had a conference request, but due to her absence this agenda item was passed over.

Updates from State Agency Representatives

Vocational Rehabilitation (VR)

Paige Rose reported that the first 100 names have been pulled from the wait list and letters were sent in October notifying individuals that they had 30 days to contact VR. VR staff are trying to reach out to these individuals as well. Their Fiscal Committee is looking at the next 600 individuals to project what the impact would be for each team to make sure staff can cover the needs. The wait list numbers are in constant flux. The wait list as of 10/23/18 (all populations and not just I/DD):

- Priority 1 – 1,255
- Priority 2 – 407
- Priority 3 – 240

By the end of November they should have an update from their Director regarding the hiring freeze. They are down 30+ staff state-wide.

From July 1, 2017 to July 30, 2018 they provided 799 Work Based Learning Opportunities for students across the state.

Request for Proposals (RFPs) for summer Pre-Employment Transition Services will be released the first or second week of December instead of at the end of November. This could push the submission date of January 4, 2019 back another week or two.

Public Health and Maternal and Child Health (MCH)

Judy reported that the Division recently received an award to administer a Pediatric Mental Health Care Access program. This is a grant that was applied for with the Division of Behavioral Health. It is a five-year project and staff will partner heavily with UNMC/MMI to conduct a clinical demonstration project to expand access to behavioral health services for children and youth. The outcome measures include enhancing screening and early identification of behavioral health disorders; developing the capacity of the primary care workforce; and ensuring that family engagement, Culturally and Linguistically Appropriate Services (CLAS) standards, and awareness of social determinants of health are consistently promoted and integrated into service delivery. Some examples of social determinants of health are housing, income, and transportation.

Developmental Disabilities Division (DDD)

Courtney reported that regarding the Waiver Amendment, they have received technical assistance from the Centers for Medicare and Medicaid Services (CMS) around the new shared living service. CMS is not going to provide their guidance in writing. What CMS wants is DDD's draft service definition, then CMS will respond to that. Courtney will send the draft service definition next week. Once CMS's comments are received and incorporated or it is determined further discussion is needed, DDD will be ready to submit. She is anticipating the public comment period will start mid-December. That will bump the effective date for the CMS approvals to implement to Spring 2019.

They used the exception funding process and created a risk funding pilot for those individuals with high behavioral health needs, based on the funding mechanism of the risk tier, knowing this was sustainable once they had CMS approval. They approached four risk providers that serve high needs individuals and set a dollar amount and gave them cushion to have the ability for adequate staffing patterns and to use dollars to enhance the services and see what they came up with to see how they could better serve the population. Yesterday they wrapped up the individual meetings with the four providers and they are extremely pleased with the outcomes that were reported. One of the requirements was to have a clinician on staff who was an employee, not a contractor. They all had a clinician on staff but they either expanded through additional employees or through contracts. Many brought on nurses, increased staff wages or shift differential for this population. Five months of preliminary data shows they made great strides with the dollars. The next step is to bring them all together to develop standards of commonalities that worked for them. The Division wants to make sure this population is well served, so they need to establish these standards before it is expanded out.

The Olmstead Advisory Committee meeting is December 7. The next Home and Community Based Services (HCBS) stakeholder meeting is February 5. The DD Advisory Committee meeting is February 22.

Behavioral Health (BH) Division

Kristen L. gave the BH Division update for Sue Adams who was absent. The work between BH and DDD continues on admission and discharge for individuals with ID to and from the Lincoln Regional Center; ongoing clarifications, work with guardians, community agencies to ensure needs are met in the least restrictive level of care.

They continue with System of Care work. System of Care work pays for services and infrastructure. It has the goals to reduce inpatient and residential care and suicide rate. There is a lot of crossover between the work that System of Care is doing or plans to do and the recommendations of the Juvenile Justice Task Force.

The BH Division recently released a Behavioral Health Resources Guide to assist educators and school staff in addressing a student's social, emotional, and behavioral development.

Department of Education, Special Education

Kristen L. gave the Department of Education, Special Education, update for Steve Milliken who was absent. The National Association of State Directors of Special Education (NASDSA) Conference was hosted in Omaha, October 7-9. The Tri-State Legal Conference was held November 8-9. The entire conference focused on all aspects of special education law.

Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

- The Nebraska Reading Improvement Act (LB 1081) – They are working on how to address this and make sure they are doing what they were charged with in statute.
- The Dyslexia Bill (LB 1052) – They are making sure they are following what was established by this bill.
- Rebuilt Special Education Monitoring Systems – Overall monitoring.

They are dealing with disproportionality and the federal changes that are coming down. This also goes back to some of the work being done by the Juvenile Justice Task Force. With regards to the Alternate Assessment requirement, Nebraska is still above the 1% threshold and will have to apply for a waiver from the U.S. Department of Education. In the waiver, each subject area will need to be addressed. They are getting closer to the 1% threshold but need to make sure they are looking closely at the students who are participating to make sure they are meeting all the criteria. Students need to be identified appropriately for this assessment so the Department can meet the 1% requirement.

Updates from DD Network Representatives

Munroe-Meyer Institute

Wayne reported that things are progressing well for the new building on the Aksarben campus in Omaha. Recruitment has officially started for the new Director of the Center for Autism Spectrum Disorders. They are ahead of schedule on the Developmental Disabilities Waiver and Aging and Disabilities Waiver National Core Indicator (NCI) surveys. In December, MMI will be starting a transition clinic that will be available twice a month for families or individuals 14-21 years of age. This is primarily a health care transition clinic but they will have a Para-Resource Coordinator there to help with resources such as education, housing, transportation, etc. The focus of this is primarily the Omaha metropolitan area but are looking to expand this.

Disability Rights Nebraska

Seamus Kelly reported that there is continuing advancement of the Inclusive Education Lay Advocacy Program. Connections are getting made and there is good buy-in, especially from the elementary schools and the local administrators.

Eric Evans reported that Congress passed a Protection and Advocacy Program in late spring through the Social Security Administration and they now have the responsibility to monitor representative payees for Social Security. This is not client directed situation, but where the Social Security provides a list of people to monitor. The program started in August and staff need to go through a certification and credentialing process so they can start the representative payee reviews.

Eric mentioned that the potential speaker for the 2019 Tri-Board meeting is Al Condeluci. Al runs Community Living and Support Services (CLASS), which is a community based support system for individuals with all types of disabilities in Philadelphia, Pennsylvania. His theory of interest is social capital and how we can help individuals with I/DD to acquire social capital. There are opportunities for social capital all over, such as being part of a family, work, community life/associations, religious life and artistic communities. Eric had the opportunity to see Al's presentation in Aurora and it was refreshing. Al's perspective challenged their thinking about individuals with I/DD. Al is available on either May 31, 2019 or June 7, 2019. Al does charge a fee for his presentation.

Kristen L. mentioned that there is a connection to what we are seeing with the NIC results and its tie to the loneliness factor. Wayne has reviewed the material and while it is certainly applicable to the I/DD community, he notes that it is applicable to all of us and how we live our lives. For the Tri-Board meeting, we could have a brief NCI segment focusing on this topic, then have a speaker, and then get people from the different boards together to see if there are things we could be looking at.

iTACC's Recommendation of a Visual Graphic to Illustrate Geographical Make-up of Council

Kristen L. referred Council members to the map included as a handout and explained that one of iTACC's recommendations was to create a graphic that shows where the current Council members are from geographically to help with recruitment. This will be updated once we receive the new appointments from the Governor. The Lincoln number is high, but that includes our agency representatives. We have great representation on the eastern part of the state but need to work on getting representation from the western part of the state. We did get Council member applications from western Nebraska. It was suggested to forward this map to the Governor's appointments office to illustrate the geographical make-up of Council membership. It was mentioned that ethnic diversity is an area we need to work on as well.

When asked about videoconferencing options for the Council's quarterly meetings, Kristen noted that, per the Open Meetings Act, we could do videoconferencing but not for more than half of the meetings. Additionally, we'd need to have a Council member at a location where anyone from the public could come in. Agendas, sign-in sheets, handouts, etc., would need to be available. It is a very coordinated effort. Most entities subject to the Open Meetings Act have not gone the way of videoconferencing. Kristen L. mentioned that she's heard that other Councils have rotated meeting locations across the state, but a lot of the time they didn't get the agency representation that was needed because the agency representatives can't get there.

Proposed Amendments to the Council By-Laws

Kristen L. explained that the proposed amendments to the Council By-Laws were suggestions from the Compliance Committee. A copy of the current and proposed changes were provided to Council members for review. Proposed amendments were not voted upon at this meeting.

Article I

- *Removal of 'Planning' from the Council name.*
- *Federal definition of a developmental disability – We go by our federal funding source, AIDD, so we use the Federal definition rather than the State definition. The State definition is also not as broad.*

Article II

- *Clarify 'Secretary' is the 'Secretary of the U.S. Department of Health and Human Services.'*

Article III

- *Establishing Term Limits – The Federal rules state that Councils must have term limits. There was a concern about losing historical knowledge if we have term limits and when people rotate off the Council. Kristin M. said this would be something that the Compliance Committee will look at and try to address.*
- *Clarify the Composition of the Council – Added new language to help clarify Agency representatives. Added language to include a non-governmental representative, a non-profit representative, and an individual with DD or immediate relative/guardian of an individual with DD who resides or previously resided in an institution.*

Article IV

- *Changes reflective of the Nebraska Open Meetings Act*
 - *Special Meeting – Advance notice requirement.*
 - *Voting – Agency representatives may vote; results of secret ballot voting of leadership shall be recorded in the minutes.*
 - *Agenda – Posting and timeframes.*
 - *Conduct at Meetings – Currently addresses Robert's Rules of Order. Title is more reflective of behavior at meetings. We will address this at a future meeting and not with the current amendments to the By-Laws.*

Article V

- *Method of Election for Chair, Vice-Chair, and Secretary – Offices shall be elected from among the membership of the Council and the nomination process. Will look into whether verbiage is needed regarding the Governor appointing the Chair based on the Council's recommendation.*
- *Vacancies in Office – Will look into whether verbiage is needed regarding the Governor appointing the Chair based on the Council's recommendation.*
- *Duties of Office – Clarification of duties. Added statements that Agency representatives are not eligible to serve as Chair or Vice-Chair. Agency representatives can serve as Secretary. Under Vice-Chair duties, will look into verbiage regarding if Chair is unable to serve, the Governor appoints a new Chair based on the Council's recommendation to serve the remainder of the term.*

Article VI

- *Assignment of Council Committees*
- *Election of Committee Chairs – Standing Committee Chairs shall be elected from the Council membership.*
- *Executive Committee – Composition and the Nebraska Open Meetings Act.*
- *Planning Committee – Determine the annual focus of the Council's Request for Applications for formal subawards.*

Article VII

- No changes

We will need a $\frac{2}{3}$ vote of members present to amend the By-Laws. The goal is to amend them at the February 1 meeting. The Compliance Committee will address today's concerns and an updated draft will be sent to Council members 20 days prior to the February 1 meeting for review.

Annual Evaluation of the Executive Director

Kristin M. explained that based on iTACC's recommendation, an Executive Director Performance Evaluation was to be conducted this year by the Council. Due to the Nebraska Open Meetings Act, Kristin M. moved to have the Council go into a closed session to discuss the Executive Committee's recommended evaluation of the Executive Director. Wayne seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0.** * Motion carried.

At 1:45pm, the Nebraska Planning Council on Developmental Disabilities meeting went into a closed session.

At 2:21 pm, Judy made a motion to close the closed session and Wayne seconded. The Nebraska Planning Council on Developmental Disabilities meeting was re-opened to the public at 2:22 pm.

Kristin M. called for a motion to approve the Executive Committee's recommendation regarding the Evaluation of the Executive Director and forwarding it to the Designated State Agency (DSA) to be submitted into the State's performance management system. Wayne made the motion and Ryan Moore seconded. A roll call vote was taken: **Yes – 13, No – 0, Abstain – 0.** * Motion carried.

Update on Remaining iTACC Compliance Issues

Kristin M. explained the Executive Director Evaluation will be shared with the DSA to make sure we have met the criteria and are in compliance with the federal recommendations. The By-Laws are currently being addressed. The next step would be to meet with the DSA to figure out what the process will be moving forward for evaluation and supervision of the Council Executive Director. We're moving towards a Memorandum of Understanding (MOU), but this will entail a negotiation process with the DSA and will probably take longer than six months to come up with a formal MOU. We may want to start by defining roles. The supervisory aspect and the role we have as Council will have to be negotiated with the DSA. Part of the struggle is that Kristen L. and staff technically work for the Council, but are employees of the state. The DSA houses the money for the Council. An MOU would give protection to the DSA's designee. By having a DSA, overhead costs such as rent and computers are provided in our indirect rate, saving the Council money. The DSA also provides assistance with websites, provides access to legal and communication services, etc.

Juvenile Justice Brain Injury and Cognitive Disability Task Force Final Report and Update on Task Force Work in Year Two

Kristen L. mentioned that the final report of the Juvenile Justice Brain Injury and Cognitive Disability Task Force was provided for our review. She wanted to draw attention to pages 21-25 which contain the bulk of the recommendations that came as a result of the stakeholders' efforts. We have another contract with John Ferrone to continue facilitating the work with the Lincoln Task Force. The nucleus team is pushing the Lincoln stakeholders to take some ownership and to run with some of these recommendations. In the

meantime, the other communities we are trying to engage and share the efforts with are: Scottsbluff, Schuyler, and North Platte. If you know of people in these communities who would be interested in participating, let Kristen L. know.

Conference Attendance Reports

In July 2018, Ryan attended the Little People of America (LPA) National Convention in Orlando, Florida. Several topics were covered such as: self-advocacy, medical workshops, and modification based information. The seminar called "Making Your Home Fit" was helpful to learn about cost effective measures to have their home modified to fit their needs and to enable people to live more independently or own their own.

Ryan mentioned that National Dwarfism Awareness month wrapped up in October. A viral campaign was put on called the Barty Challenge because Billy Barty founded LPA. With the Barty Challenge, little people would post videos to social media detailing what dwarfism means to them. Then they would tag three other little people and they'd post videos and tag another three little people and so on.

Kristin M. reported for Courtney that in August 2018, Courtney attended the National Association of States United for Aging Disabilities Home and Community-Based Conference in Baltimore, Maryland. The conference showcased visionary leadership, the advancement of state systems innovation, and highlights emerging policies that support Home and Community-Based Services for older adults and individuals with disabilities. The conference provided her an opportunity to connect with other state agency representatives and federal partners and engage in conversations to learn from each other. The information will continue to help inform DHHS on promising practices and state trends and will be shared with the Council to further Nebraska's efforts to best serve individuals with developmental disabilities. With the information learned at this conference the Department will take the necessary next steps to design and implement a more comprehensive quality management system to predict, align, and prevent critical incidents, abuse, and neglect in Nebraska.

In October 2018, Jessica attended the People First of Nebraska Annual Convention in Kearney. It was a lot of fun and her favorite session that she attended was on fire safety. The fire fighter put on his full uniform and the lights were turned off to demonstrate what they looked like in the dark. She went to Erin Phillips' session to support her and learn about becoming a disability policy specialist. She also attended sessions on employment, Epilepsy awareness, and a sing-along.

In October 2018, Kristen L. attended the Executive Leadership Summit in San Diego, California. There was a big focus on messaging. The Administration for Community Living (ACL) had a piece that they developed that talks about the programming they do and how it relates to individuals with disabilities. They got to meet Julie Hocker, the new Commissioner of the Administration on Disabilities with ACL. She engaged with the group to find what some of the challenges Councils were facing and what were some of the opportunities. Deputy Director Jennifer Johnson of the Administration on Intellectual and Developmental Disabilities (AIDD) provided updates to the group. There was quite a bit of discussion centered on the new of period of performance.

Staff Updates

Kristen L. wanted to remind members to turn in the Council Member Request Form to Council staff when requesting funding to attend a conference/training and after the conference/training a Council Member

Conference Report Summary needs to be turned in. Because we are following the Nebraska Open Meetings Act, funding requests need to be made at a regularly scheduled Council meeting so they can be reviewed and voted upon.

We are waiting for additional technical assistance from the OGM regarding Council members and staff attending the Arc of Nebraska Senatorial Dinner. The Council has paid for this in the past. The OGM is cracking down on food and the only time food expense is allowed is when you are at a workshop or training. The Council may not be able to cover registration costs. We can discuss this further at the February meeting. The Senatorial Dinner is Thursday, February 21.

The procurement process within our DSA has changed quite a bit this year. We aren't able to process subawards as quickly as in the past.

Kristen L. presented a certificate of appreciation to Sharon Miller to thank her for her years of service to the Council.

The U.S. Department of Health and Human Services' January 2018 *Ensuring Beneficiary Health and Safety in Group Homes Through State Implementation of Comprehensive Compliance Oversight* Joint Report was provided for Council members to review. The necessary steps need to be taken to design and implement a more comprehensive quality management system to prevent critical incidents, abuse, and neglect in Nebraska.

Typically the Council releases a Request for Applications for Opportunity Subawards. We would like to release that in the coming weeks so that applications can be reviewed at our February 1 meeting. The Opportunity Subawards are up to \$15,000. As we move forward, it might not be possible to do Opportunity Subawards in April and October with the new period of performance. They may need to line up with the federal fiscal year. At this time we can continue to do the Opportunity Subawards based on the April to March cycle for the next few years.

In August, Kristen L. presented at the Kids and Dreams Autism Conference. On Monday, she went to Kearney to participate on a panel for Disability Awareness Week to talk about the work she did when she worked at UNK in Student Support Services and the advocacy work she performs for the Council. Jane added that the student organization at UNK is a good group to tap into as they exhibit a lot of passion and leadership.

Joni provided everyone with copies of the Final Report for fiscal year 2017-2018 for People First of Nebraska, Inc. They are doing some phenomenal things. They have members serving on disability related boards and attending national conferences, and their website had 19,184 unique visits in this last year. The report references Erin Phillips serving as their disability advocacy specialist, the *Home is Where my Heart Lives* campaign, and there are success stories in the back.

Joni is planning to share a copy of all the final reports of the subaward projects we have approved funding for so we can see the final outcome and how the project went.

Nikki reminded Council members to turn in their travel reimbursements and if anyone drove a motorcycle, indicate that because there is different mileage reimbursement for a motorcycle.

Member Updates

Jane attended the *Who Am I* session at UNK during Disability Awareness Week. Catrina Maxwell Gray, an individual with dyslexia, spoke on when she was labeled and the anger she went through. But the process of now being an advocate and standing up for herself has diffused her anger and she has channeled her passion. It was a very motivational speech and Jane would highly recommend her for a spotlight.

Jane and two of her colleagues from UNK collaborated to publish a journal article in the *Journal of Invitational Theory and Practice*. The article can be found on pages 86-91 at www.invitationaleducation.net/wp-content/uploads/2017-JITP_12.31.17.pdf. The article focuses on the topic of how Invitational Education can be used during IEP conferences with parents.

G.R. is looking forward to Thanksgiving and Christmas. He advised the group that Star 104.5 starts playing Christmas music the 3rd Friday of November.

Sharon M. thanked everyone for their support and was honored to serve on the Council and will miss it noting that "what we do isn't easy, but is very worthwhile and we have come a long way."

Dee said they have transitioned their son into the community from Beatrice State Developmental Center (BSDC). This is a work in progress and has been a difficult transition. The BSDC Crisis Unit is at capacity and the waiting list is stacking up. The team that they have put together to help individuals transition from the Crisis Unit into the community is phenomenal.

Sharon O. announced that her daughter has registered for her final two classes at UNO. Sharon got to play a belly dancer at the Gotta Be Me opera in Omaha (Gotta Be Me is a not-for-profit organization in Omaha that promotes the inclusion of adults with disabilities into their communities). She made really good connections with the other parents and had good conversations on how to move forward, what are the next steps, what will happen when parents are no longer here.

Ryan said that he got married on September 29. This Sunday he will be part of a panel presentation at the Sioux City Public Museum. He will be speaking on his childhood advocacy and actions that lead to positive changes. (Ryan's story was instrumental in the passage of the Children's Health Insurance Program.)

Jessica is in Leadership Scottsbluff this year. On Wednesday they had their Ag and Water Class and were at the sugar factory for most of the day learning how sugar was made and then they got to tour a feedlot. Jessica and her mother Jennie Schneider started a Facebook page where parents and self-advocates can talk to other parents and self-advocates. It is called Western Nebraska Disability Friends and Partners.

Public Comment

Kristin M. opened the meeting for public comment.

Kristen L. mentioned that we had a couple of students in attendance this morning to observe a public meeting for their class.

Lisa McMichael said there was a rating of the most senior friendly cities. Everything you need is in that community. There aren't issues with transportation. Living situations are varied from single family to big family and access to getting into the places and cost of the rent is varied to meet everyone's needs. Des Moines, Iowa is number 2 senior-friendly city in the United States. There are grants going out to cities to develop neighborhoods like this. Transportation is a big issue.

Adjourn

The meeting adjourned at 3:23 pm. The next Council meeting is scheduled February 1, 2019. The Legislative and Advocacy Committee will be meeting on January 31, 2019.

*Record of voting on file.