

# Nebraska Council on Developmental Disabilities

February 2, 2024 at 9:30AM, CST

Hybrid Meeting

In-Person at the Nebraska State Office Building  
Lower-Level Meadowlark Conference Room  
301 Centennial Mall South  
Lincoln, NE

or

Virtual via Zoom

The agenda was mailed to Council members prior to the meeting. The meeting was chaired by Rachel Siffring and called to order at 9:31AM, CST and the *Pledge of Allegiance* was recited. Quorum was present.

**Present (In-Person):** Quinton Corwin, Caiti Donaldson, Jason Gieschen, Shauna Graham, Tony Green, George Griffith, Dr. Tom Janousek (afternoon), Matt Kaslon, Seamus Kelly, Beth Libra Plisek, Stephen Morton, Sasha Reeks, Jennifer Severe-Oforah, Mark Shriver, and Rachel Siffring.

**Present (Virtual):** Dr. Tom Janousek (morning), Shaistha Kiran Karipi, Cheryl Montgomery, DJ Plautz, and Judy Trent.

**Absent:** Eddie Kraska, Amy Rhone, Dee Valenti, and Kirsten Wilcox.

**Guests (In-Person):** Tania Diaz, Tiffany Donaldson, Theresa Hayes, Sue Gieschen, Stacy Pfeifer, and Sherry Stansberry.

**Guests (Virtual):** Joe Valenti.

**Staff:** Kristen Larsen, Rachel Ward, Edith Titamoh, and Nikki Krause.

## Welcome and Declaration of Conflicts of Interest

Rachel Siffring welcomed new Council member Reeks [Sasha Reeks]. Reeks is a self-advocate.

Kristen Larsen provided general directions on how to use Zoom.

Kristen Larsen explained that she has reached out to Governor Pillen's Assistant on Executive Appointments to see where the Council stands regarding new Council member appointments to the Council. She was told that the Council was next in-line to have appointments made, but with the legislative session in full swing, it may take time. The new appointments include:

- A family member to fill the vacancy left by Tricia Strauch when she resigned.
- A self-advocate to fill Kristen Wilcox's position since she is not reapplying for a second year.
- An immediate relative/guardian of an individual with a developmental disability who resides or previously resided in an institution or an individual with a developmental disability who resides or previously resided in an institution [must be a resident of the State] to fill Dee Valenti's position since she has termed out.
- A Agency Representative from the Division of Medicaid and Long-Term Care [As part of the Governor's initiative to save money, Nate Watson was terminated and is no longer with the Department of Health and Human Services (DHHS).]

## Nebraska Open Meetings Act

Rachel S. explained that Council meetings fall under the Nebraska Open Meetings Act and a copy of the Act is posted on the entrance door by the sign-in table.

The Governor's Public Meeting Calendar referred members of the public and media to the Council's Meetings webpage for additional information (posted January 16, 2024).

## Public Comment Period #1

Rachel S. mentioned that all public meetings must allow time on their agenda for people who are not on the Council to comment. Members of the public, who wanted to address the Council, were instructed to identify himself or herself, including an address and the name of any organization represented.

### Stacy Pfeifer – Director of Enable Savings Plan – 421 S. 9<sup>th</sup> Street, Suite 137 Lincoln, NE

Stacy mentioned that they are looking for testers to test the Give to Enable website before it goes live. She is also working with 10/11 News on a news story and is looking for an adult who uses ABLE. If you are interested in either of these opportunities, please contact Stacy at [stacy.pfeifer@nebraska.gov](mailto:stacy.pfeifer@nebraska.gov) or 402-450-3134.

### Joe Valenti – 14157 Seward Street Omaha, NE

Joe was a part of the Legislative and Advocacy (L&A) Committee that met yesterday afternoon. He wanted to thank Council staff and L&A Committee Chairperson Stephen Morton for all the work they did for the meeting.

## Approval of Minutes

Rachel S. asked the Council members if there were any corrections to the *DRAFT* November 17, 2023 Council meeting minutes. There were no corrections. Jason Gieschen reminded Council members to abstain from voting if they were not in attendance for the November 17, 2023 Council meeting. As there were no corrections, Stephen made the motion to approve the minutes and Matt Kaslon seconded. A roll call vote was taken: **Yes – 11, No – 0, Abstain – 7.\*** Motion carried.

## Declaration of Conflicts of Interest

As required by Council policy, at the first meeting of each federal fiscal year, members of the Council shall verbally declare any potential conflicts of interest of which they are aware. Council members, who had not already done so or had updates, were asked to verbally declare any potential conflicts of interest. They are noted below.

Shauna Graham	Heartland United Way, Nebraska Therapeutic Riding Academy, Merrick County Health and Fitness Center, Merrick Foundation
Tony Green	Department of Health and Human Services – Division of Developmental Disabilities, Munroe-Meyer Institute Advisory Council
Seamus Kelly	Disability Rights Nebraska
Beth Libra Plisek	League of Human Dignity, The Arc of Norfolk, Northeast Nebraska Diversity Council, Disability Rights Nebraska
Cheryl Montgomery	Northstar Services, Nebraska Association of People Supporting Employment, Nebraska Association of Community Professionals Holy Cow! What Now?, Nebraska Association of Service Providers
Sasha Reeks	Nebraska Department of Correctional Services
Mark Shriver	University of Nebraska Medical Center, Munroe-Meyer Institute,

	University Center of Excellence for Developmental Disabilities, People First of Nebraska
Judy Trent	None

The following Council members updated their conflicts of interest.

Shaistha Kiran Karipi	None
Matt Kaslon	Special Olympics Nebraska, Nebraska Youth Leadership Council, Nebraska Statewide Independent Living Council, Nebraska State Rehabilitation Council, Hands of Heartland, The Arc of Nebraska, The Arc of the United States, Liberty Healthcare Sitewide Human Legal Rights Advisory Committee

### Financial Report

The Department of Health and Human Services (DHHS) is the Designated State Agency (DSA) for the Council. DHHS is the flow thru for Council funds. However, it is the Council that decides on how Council funds are to be allocated and monitors the allocated funds.

Kristen presented the FFY2024 Financial Report, a handout at the meeting. At the August 18, 2023 Council meeting, the Council approved the budget of \$371,459 for FFY2024 (October 1, 2023 to September 30, 2024). The Year-to-Date Expenditures for the first quarter of FFY2024 (October 1, 2023 to December 31, 2023) were \$127,483 – 34% of the FFY2024 budget.

Kristen explained that the Council was slightly over budget in two areas.

- Personal Expenses & Benefits was at 40% of the budget. Edith Titamoh's salary was originally figured at part-time, as the position was shared with Emergency Health Systems. However, Edith's hours had been almost fully devoted to the Council and as of December 18, 2023, Edith began working full-time for NCDD.
- Travel was at 36% of the budget. At the April 14, 2023 Council meeting, the Council approved up to \$10,000 for the Supported Employment Summit. However, this amount did not get included in the Council budget that was approved at the August 18, 2023 Council meeting. The cost (facility rental/audio visual and catering) came to \$13,683.75.

**NOTE:** Budget adjustments will need to be made and approved to reflect these changes at the April 19, 2024 Council meeting.

The report reflects the balance of funds from FFY2022, FFY2023, and FFY2024 as of December 31, 2023. Current Funds Available totaled \$709,720.85. Expenditures totaled \$343,695.75. The Balance of Current Funds Available was \$366,025.10.

The Financial Forecast (what is being anticipated) shows a breakout of income and expenses by Federal Fiscal Year.

The Administration for Community Living (ACL) allowed Councils to seek a No-Cost Extension on FFY2022 funds. Kristen submitted the request for a No-Cost Extension on FFY2022 funds on August 25, 2023 and it was approved. The Council received a new Notice of Award (NoA) from ACL on September 14, 2023. The new revised period of performance for FFY2022 will be October 1, 2021 to September 30, 2024.

**NOTE:** This is good news since many of the Council's grantees had funds obligated with FFY2022 funding and did not spend all their funds. The Council will continue to draw down remaining FFY2022 funds during FFY2024 until there is a zero balance. Then funding will shift to FFY2023 funds.

### **Report of the Grant Review Committee: Formal and Opportunity Recommendations for FFY2024**

Quinton Corwin, Grant Review Committee Chair, reported that the Committee met virtually on January 29, 2024 to review evaluation scores and to make recommendations to the re-released Formal Home and Community-Based Services (HCBS) Final Settings Rule and the re-released Opportunity Subawards Requests for Applications (RFAs). Quinton explained that the Council will consider the Committee's recommendations, discuss, and vote to approve subaward funding.

Kristen reminded Council members to follow the Conflicts of Interest Policy. Those members who have conflicts of interests will be asked to leave the room for discussion for that application. Members will then be asked to return to the room for voting and should abstain from voting when their name is called during the roll call vote. This will provide transparency in the voting record.

Kristen also reminded Council members not to announce the outcome of the Council's decisions on funding until after the Office of Procurement and Grants has posted the Notice(s) of Award(s).

In response to RFA #6308, HCBS Final Settings Rule Formal Subaward, no applications were received in response to the RFA. The Grant Review Committee discussed next steps. Tony Green, Division of Developmental Disabilities (DDD), clarified that the Final Settings Rule would also include the Centers for Medicare and Medicaid Services (CMS) addition to the subsequent additions to the HCBS Final Settings Rule with proposed regulations around access and quality. It is likely that the Access and Quality regulations to the Final Settings Rule will be published in March or April 2024 and it might be a better idea to pursue a direct subaward or contract with an entity later this year, once the Final Settings Rule changes are published.

The Committee discussed Council staff collaborating with DDD staff who are working on the HCBS Final Settings Rule and the Access and Quality regulations to identify a governmental entity that Council staff could set up a direct subaward or contract with. Tony's team will have a better idea of what entity could assist with this project, so Council staff will seek their guidance. Hopefully by April 2024, Council staff should have something to bring to the full Council to review.

The Committee recommendation is that the Council allow Council staff to collaborate with DDD to identify an entity to set up a direct subaward or contract to fund up to \$75,000 to support an HCBS Final Settings Rule Training Project, including incorporating the anticipated Access and Quality regulations being published in 2024.

A roll call vote was taken: **Yes – 18, No – 0, Abstain – 0.**\* Motion carried.

In response to RFA #6327, Opportunity Subawards, three applications were received. The applications received were from The Arc of Nebraska, Duet, and Heartland Equine Therapeutic Riding Academy (HETRA). Quinton described each proposal, the Committee's recommendation for each proposal, and the Council voted separately on each of the Committee's recommendations for funding.

#### The Arc of Nebraska

The Arc of Nebraska submitted an application for *DD Childcare*. The Arc of Nebraska requested funding in the amount of \$15,340.41. Although the Committee liked the request, The Arc of Nebraska only

provided a work plan, budget, and budget justification. It was an incomplete application, and the average score was 48 out of 150 points. The Committee's recommendation was not to fund The Arc of Nebraska's proposal.

A roll call vote was taken: **Yes – 16, No – 0, Abstain – 1.**\* Motion carried. [Seamus Kelly stepped away from the meeting.]

**NOTE:** Kristen will let The Arc of Nebraska know that their application was incomplete.

#### Duet

Duet submitted an application for *Community Behavior Health Clinic*. Duet requested funding in the amount of \$20,000. Although Duet's average score was 110 out of 150 points, the proposal cannot be funded since the entire budget supports equipment and furnishings, which were noted as unallowable budget costs in the RFA. Technical assistance was sought from both Sarah Kurz, Office of Procurement and Grants, and Sheryl Matney, iTACC. Sarah felt that the project was all unallowable uses of funds and asking Duet to change their budget around would effectively be changing the proposal significantly. Sheryl mentioned that we have the wording in the overall policy that clearly states no equipment of furnishings can be paid for with federal funds. The Committee's recommendation was not to fund Duet's proposal.

A roll call vote was taken: **Yes – 16, No – 0, Abstain – 1.**\* Motion carried. [Beth Libra Plisek stepped away from the meeting.]

**NOTE:** Kristen will let Duet know that there may be some American Rescue Plan Act (ARPA) funding available from DDD.

#### Heartland Equine Therapeutic Riding Academy

Heartland Equine Therapeutic Riding Academy (HETRA) submitted an application for their *Life Skills Program*. HETRA requested funding in the amount of \$19,972.67. HETRA's average score was 124 out of 150 points. The Committee's recommendation was to fund HETRA's proposal in the amount of \$19,972.67 as written.

A roll call vote was taken: **Yes – 17, No – 0, Abstain – 0.**\* Motion carried. [Beth Libra Plisek stepped away from the meeting.]

#### **Report of the Legislative & Advocacy (L&A) Committee**

Stephen Morton, L&A Committee Chair, reported that 596 Legislative Bills (LBs) and several Legislative Resolutions (LRs) were introduced this session and Council staff (with the assistance of Stephen and Quinton) reviewed the introduced bills and resolutions to narrow down the number of bills and resolutions that would be presented to the L&A Committee to recommend Council action. Positions include:

- Support with Testimony;
- Oppose with Testimony;
- Neutral Testimony;
- Support with a Letter;
- Oppose with a Letter;
- Neutral Letter;
- Track/Monitor; or
- Do Nothing.

At the November 17, 2023, Council meeting, the consensus was that since the legislative hearings started early for the 108<sup>th</sup> Legislature, 1<sup>st</sup> Session, chances were that the legislative hearings for the 108<sup>th</sup> Legislature, 2<sup>nd</sup> Session (and futures sessions) would start as early. The Council discussed, voted, and approved that Council staff could take positions on proposed legislative bills with hearings up to and including February 2, 2024, after conferring with the L&A Committee Chair and both are in agreement on

the position the Council should take. The Executive Director would then follow-up with the Executive Committee to convey the position the Council would be taking. This would provide Council staff time to prepare written position statement letters.

Council staff took action on a total of six bills that had a hearing scheduled up to and including February 2, 2024.

**\*LB824** (Senator Blood) – Adopt the Dentist and Dental Hygienist Compact and change provisions relating to criminal background checks. Support with letter.

**\*LB937** (Senator Bostar) – Adopt the Caregiver Tax Credit Act. Support with letter.

**\*LB993** (Senator Ibach) – Adopt the Apprenticeship Grant Act. Support with letter.

**\*LB1015** (Senator Walz) – Change provisions of the Rural Health Systems and Professional Incentive Act. Support with letter.

**\*LB1025** (Senator Bostar) – Adopt the Individuals with Intellectual and Developmental Disabilities Support Act and provide tax credits. Support with letter.

**\*LB1168** (Senator DeBoer) – Adopt the Uniform Health-Care Decisions Act. Track/Monitor.

The hybrid L&A Committee meeting (in-person and virtual) was held on Thursday – February 1, 2024 to review relevant legislative bills and legislative resolutions. The L&A Committee was comprised of Council members and non-Council members. Stephen presented the Committee recommendations on the proposed legislative bills and legislative resolution and a block vote was conducted except for LB1129, which was pulled from the block for individual vote.

**LB821** (Senator Blood) – Change provisions relating to the preliminary or advanced enrollment of certain student. Track/Monitor.

**LB833** (Senator Blood) – Adopt the Prescription Drug Affordability Act. Do nothing.

**LB907** (Senator Riepe) – Require Medicaid coverage for treatment of obesity. Support with letter.

**LB920** (Senator McKinney) – Require the Department of Health and Human Services to establish a Restaurant Meals Program. Support with letter.

**LB935** (Senator Ibach) – Appropriate funds to the Department of Health and Human Services for Medicaid dental services. Support with testimony. [Kristen to testify on behalf of Council. Additionally, Matt Kaslon will write and submit a letter of support on behalf of the Council via the ADA Written Testimony Portal.]

**LB944** (Senator Dorn) – Provide for use of the Medicaid Managed Care Excess Profit Fund for behavioral health needs. Track/Monitor.

**LB953** (Senator Kauth) – Provide tuition waivers for student teachers as prescribed. Track/monitor.

**LB958** (Senator Wishart) – Provide for annual adjustments of provider rates under the Medical Assistance Act. Support with Letter.

**LB964** (Senator Dungan) – Adopt the Special Education Teacher Forgivable Loan Program Act and provide for scholarships under the Nebraska Career Scholarship Act. Support with Testimony. [Beth will testify on behalf of the Council and Amy Bonn will provide some bullet points.]

**LB967** (Senator DeKay) – Change provisions relating to trafficking offenses and the Human Trafficking Victim Assistance Fund. Do nothing.

**LB982** (Senator Riepe) – Provide for employment of nurse aides in intellectual and developmental disabilities facilities. Support with letter. [Beth will write the letter of support on behalf of the Council and submit it via the ADA Written Testimony Portal.]

**LB1007** (Senator Walz) – Provide for medicaid coverage for certain aged, blind, and disabled individuals. Support with letter. [Depending on the hearing date, Beth will testify in support as a private citizen.]

**LB1016** (Senator Walz) – Eliminate a termination date relating to prioritization of certain developmental disabilities services. Support with Testimony. [Kristen will testify on behalf of the Council. Additionally, Matt will write and submit a letter of support on behalf of the Council via the ADA Written Testimony Portal.]

**LB1026** (Senator Hardin) – Change provisions relating to the achieving a better life experience program. Track/monitor.

**LB1029** (Senator Conrad) – Change provisions relating to compulsory school attendance regarding illness. Track/monitor.

**LB1086** (Senator Walz) – Eliminate the Department of Health and Human Services and create three departments. Track/monitor.

**LB1117** (Senator Dungan) – Appropriate funds to the Department of Health and Human Services. Support with letter. [Alana Schriver will provide talking points.]

**LB1139** (Senator M. Cavanaugh) – Adopt the Paid Family and Medical Leave Insurance Act. Support with letter. [Beth will write the letter of support on behalf of the Council and submit it via the ADA Written Testimony Portal.]

**LB1141** (Senator McKinney) – Change provisions of the Student Discipline Act. Support with letter. [Amy Bonn will provide talking points. Beth will write a letter of support as a private citizen and submit it via the ADA Written Testimony Portal.]

**LB1146** (Senator Murman) – Provide an additional exception to the prohibition on suspending a student in pre-kindergarten through second grade. Track/Monitor.

**LB1154** (Senator McDonnell) - – Appropriate funds to the Department of Health and Human Services. Support with letter.

**LB1194** (Senator Conrad) – Require legislative approval of medicaid state plan amendments and state plan amendments for the Temporary Assistance to Needy Families. Track/monitor.

**LB1221** (Senator Day) – Provide staff training requirements for facilities offering care to persons with Alzheimer’s disease, dementia, or related disorders. Support with letter. [Beth will write the letter of support on behalf of the Council and submit it via the ADA Written Testimony Portal.]

**LB1264** (Senator Wishart) – State intent regarding Federal Funds appropriated for developmental disabilities aid. Support with Letter.

**LB1285** (Walz) – Create the Task Force on Supported Employment. Support with testimony. [Kristen will testify on behalf of the Council.]

**LB1417** (Brewer – At the request of the Governor) – Create, eliminate, terminate, and change, eliminate, and transfer powers, duties, and membership of boards, commissions, committees, councils, task forces, panels, authorities, and departments and change and eliminate funds. Oppose with Testimony. [Kristen and Quinton will both testify on behalf of the Council.]

**LR278CA** (Murman) – Constitutional Amendment to change the membership of the State Board of Education. Track/Monitor.

**LB1129** (Senator Raybould) – Provide for autism acceptance license plates and change provisions relating to license plates and the Autism Treatment Program Cash Fund. The Committee recommendation was support with a letter and recommend to have someone with Autism design the license plate. Tony mentioned that with LB1129, the funds goes into a cash fund that is on the books, but never had any funds in it. He suggested to change the way the bill is written to designate an entity to receive the funds. Beth recommended so support with a letter and recommend to have someone with Autism design the license plate and to change where the funds are going so the funds go to a statewide organization that supports Autism and Matt seconded.

A roll call vote was taken: **Yes – 13, No – 0, Abstain – 4.\*** Motion carried. [Dr. Tom Janousek stepped away from the meeting.]

**REMINDER:** Council members may not take a position on proposed legislative bills or legislative resolutions on behalf of the Nebraska Council on Developmental Disabilities without gaining permission from the Council Chair. However, Council members may take a position on proposed legislative bills or legislative resolutions as a private citizen either by a letter or testimony.

### **Updates on Current Subawards and Contracts**

Rachel Ward and Edith are monitoring all the subawards and contracts to make sure the information is accurate in regard to activities, timelines, key performance indicators, and expense reports. After completing the 2023 Program Performance Report, it is important to educate new grantees and focus on the expectations of reporting data.

### **DD Awareness Month Proclamation/Press Conference**

DD Awareness Month is March, and the Council is collaborating with DDD on planning the proclamation/press conference. This year’s theme is *World of Opportunities*. Kristen is working with the DHHS Office of Communications to write the proclamation. The Office of Communications is working to coordinate a press conference, which provides more awareness than a proclamation ceremony. The press conference will be by invitation only. As of now, no date has been set for the press conference.



## Nebraska 2023 Supported Employment Summit Next Steps

Dr. Lisa Mills has shared an initial draft action plan with Kristen, and Kristen has provided input. Dr. Mills has reached out to DDD and Nebraska Vocational Rehabilitation (VR) for input and will be reaching out for input from the other sponsors of the Supported Employment Summit to include:

- DHHS, Division of Behavioral Health;
- Munroe-Meyer Institute/University Center of Excellence for Developmental Disabilities (MMI/UCEDD);
- Disability Rights Nebraska;
- Nebraska Department of Education, Office of Special Education; and
- Nebraska Association of Service Providers (NASP).

**NOTE:** There is legislation for a Task Force on Supported Employment, LB1285.

## 2024 Tri-Board Meeting Update

The Tri-Board consists of the DD Network Partners (the DD Council, Disability Rights Nebraska, and MMI/UCEDD). The 2024 Tri-Board meeting will be on Friday – June 28, 2024. The topic will be *Supported Employment*. We will meet at the MMI facility located near the UNO Scott Campus at 6902 Pine Street. More information and details will be shared at the April 19, 2024 Council meeting.

## The Arc of Nebraska's 53<sup>rd</sup> Annual Senatorial Dinner

The Arc of Nebraska's 53<sup>rd</sup> Annual Senatorial Dinner will be on Wednesday – February 21, 2024. As we have discussed in past meetings, the Council cannot pay for food or be a sponsor of The Arc of Nebraska's 53<sup>rd</sup> Annual Senatorial Dinner as these are unallowable expenses of federal funds. However, since this is an advocacy event, the Council may be able to cover hotel and mileage expenses.

## Funding Request for the 2024 National Association of Councils on Developmental Disabilities (NACDD) Annual Conference

The 2024 NACDD Annual Conference will be July 22-26, 2024 in Washington D.C. Council staff are asking the Council to approve funding to send up to eight Council members to the 2024 NACDD Annual Conference. Attendee preference will be given to the Executive Committee members and funding would not exceed \$3,000 per Council member and up to \$3,000 for personal care attendants. Interested attendees will need to submit a Conference Funding Request to Nikki Krause no later than March 27, 2024 for consideration. Shauna Graham motioned to approve funding to send up to eight Council members to the 2024 NACDD Annual Conference. Attendee preference will be given to the Executive Committee members and funding would not exceed \$3,000 per Council member and up to \$3,000 for personal care attendants and George Griffith seconded.

A roll call vote was taken: **Yes – 18, No – 0, Abstain – 0.\*** Motion carried.

Council members were reminded to turn in their *Council Member Conference Request Form* to Council staff 2 ½ weeks prior to the Council meeting, so copies of the requests can be made and sent out in the meeting packets. Council members may request to attend two in-state conferences and one national conference per FFY (October 1 – September 30) as funds allow, and the conference relates to one of the State Plan goals. Upon return from a conference, Council members need to submit the *Council Member Conference Report Summary* and report on the conference at the Council meeting following the conference. Expense Reimbursements and receipts must be submitted and approved no more than 60 days after the final day in which the expenses were incurred.

## Updates from State Agency Representatives

**NOTE:** Agency representatives were asked to briefly touch on any pressing issues or important updates the Council needed to be informed of. The written reports in their entirety are attached at the end of the

minutes for review. No written report was submitted for Department of Education – Office of Special Education or Medicaid and Long-Term Care and Aging. [Tony Green, Division of Developmental Disabilities; Dr. Tom Janousek, Division of Behavioral Health; Jennifer Severe-Oforah, Maternal and Child Health – Division of Public Health; Amy Rhone, Department of Education – Office of Special Education; DJ Plautz, Nebraska Vocational Rehabilitation; VACANT, Medicaid and Long-Term Care and Aging]

#### Division of Developmental Disabilities (DDD)

DDD is waiting for final approval for the Family Support Waiver. The proposed start date of the waiver is March 1, 2024, pending CMS approval.

DDD is offering a one-time opportunity for Home and Community-Based Services (HCBS) agency providers to apply for a mini-grant for training opportunities. Information about the upcoming grants will be posted on DDD's website. This is ARPA funding.

- Front Line Supervisor Training
  - The application window has closed. 36 out of 49 applications were approved.
- Person-Centered Planning Training
  - Will be posted soon and will have a 30-day application window.
- Train the Trainer for Emergency Safety Intervention (ESI) Training
  - Will be posted soon and will have a 30-day application window.
  - This would be a statewide standardized training and The Mandt System will be the only system that will be accepted for use with ESI.
    - Providers will have until July 1, 2025 to be compliant.
- New Agency Vehicle or Vehicle Modification Grant
  - Will be posted soon and will have a 30-day application window.

DHHS signed with CBIZ Optumas with Myers and Stauffer to complete the evaluation of all Nebraska HCBS waivers (LB376). The completed evaluation was submitted to the Nebraska Legislature in December 2023. The report is posted on the Legislative website.

#### Division of Behavioral Health

Dr. Tom Janousek provided an implementation update on Certified Community Behavioral Health Centers (CCBHC). CCBHCs are one-stop-shop clinic models designed to ensure access to coordinated comprehensive behavioral health care. CCBHCs are required to serve anyone who requests care for mental health or substance use, regardless of their ability to pay, place of residence, or age – including developmentally appropriate care for children and youth. A large part of the plan is engaging community providers for feedback about the state's model, clinic requirements, and payment plan. The Division of Behavioral Health is working with Myers and Stauffer to get the CCBHCs up and going by January 2026.

The Division of Behavioral Health's Annual Report will be released soon and will be posted on their website. Some highlights include:

- Served 23,909 people in FY23.
- Adopted four new services in the state continuum of care.
- 91.5% enrolled in medication management services within 21 days of discharge from inpatient care.
- 5,836 prescription drug lock boxes distributed (safety/prevention effort).
- 73% of consumers discharged to stable living situations.

In the upcoming month, the Division of Behavioral Health will be releasing a process for certified peers to reinstate their certification if they are up to date on their Continuing Education Units. Certified peers are individuals with lived experience and once their certification is reinstated, they can help people in the community.

#### Nebraska Vocational Rehabilitation (VR)

Nebraska VR continues to provide technical assistance to supported employment providers in an effort of improving the quality-of-service delivery. They are about six months into the remodel, so there is not a lot of data yet, but more to come. Nebraska VR is also developing a comprehensive training on supported and customized employment. This free and on-demand training will be made available to existing and prospective providers in February 2024. The training will include best practices on topics such as job task analysis, assistive technology, natural support development, and the phase out of the job coach.

Nebraska VR is working on its portion of the Workforce Innovation and Opportunity Act (WIOA) State Plan. The State Plan includes goals, priorities, and strategies related to supported employment and serving individuals with I/DD. Public comment on the draft began on January 16, 2024 and ends February 15, 2024.

#### Maternal and Child Health – Division of Public Health (MCH-DPH)

Jennifer Severe-Oforah explained that they are following LB1060 which provides for an exemption to the mandated newborn screening if a parent or guardian objects. LB1060 would preserve the civil liberties/rights of parents or guardians by allowing them to “opt out” of the newborn screening. Newborn screening involves pricking the infant’s heel to gather a small blood sample on specialized filter paper, which is then analyzed for the presence of certain genetic, metabolic, or endocrine disorders. The newborn screening process is currently mandatory in Nebraska. The mandate for newborn screening is driven by various factors, including the imperative for early intervention. Timely detection of genetic metabolic, and endocrine disorders enables swift medical intervention, often preventing or minimizing the development of severe symptoms and complications or death. This approach significantly improves the long-term health outcomes and quality of life for individuals affected by these conditions. The current mandate is crucial because the disorders screened for cause severe health problems, including death. These disorders are treatable and would often remain undetected until symptoms manifest.

DHHS has undergone some reorganization, the Office of Economic Assistance was moved from the Division of Children and Families, to become a separate standalone unit. This movement has had an impact on the Title V Maternal and Child Health Block (MCH) Grant. As of January 1, 2024, the Children/Youth with Special Health Care Needs (CYSHCN) portion of the block grant and the Medically Handicap Children’s Program (MHCP) have moved to DDD under Colin Large. This is seen by DHHS as a good move that should strengthen the reach and impact of Title V.

#### Nebraska Department of Education (NDE) – Office of Special Education (OSE)

Theresa Hayes, Education Specialist III and Transition Coordinator, provided the NDE-OSE update in Amy Rhone’s absence. On February 1, 2024, NDE-OSE is required to submit their State Performance Plan/Annual Performance Report to the federal Office of Special Education.

#### **Indicator 13: Secondary Transition**

Indicator 13 is a compliance indicator that requires specific information is included for students with disabilities who are transition age (ages 14 through the end of the school year the student becomes 21 years old) in their post-secondary transition plan. For FFY2022, NDE-OSE looked at every school to

make sure post-secondary goals are appropriately written. School districts are doing self-evaluations for all the schools in their district and then the NDE-OSE assesses all the reviews. Indicator 13 is a Compliance indicator with a performance target of 100% and the target was not met. FFY2022 was 59.8% and FFY2021 was 53%.

#### **Indicator 14: Post-School Outcomes**

Indicator 14 allows NDE-OSE to set their own targets on post-school outcomes. A year after graduating, student are surveyed on their post-school outcomes. The students who graduated in 2022 were surveyed.

1. Enrolled in higher education within one year of leaving high school.  
*There was slippage (numbers went down a bit). Part of this may be from COVID.*
2. Enrolled in higher education or competitively employed within one year of leaving high school.  
*The target was met with 55.56%.*
3. Enrolled in higher education or in some other post-secondary education or training program; or competitively employed or in some other employment within one year of leaving high school.  
*The target was met with 73.8%.*

#### **Updates from the DD Network Representatives**

NOTE: DD Network representatives were asked to briefly touch on any pressing issues or important updates the Council needed to be informed of. The written reports in their entirety are attached at the end of the minutes for review. [Seamus Kelly, Disability Rights Nebraska; Mark Shriver, Munroe-Meyer Institute]

#### Disability Rights Nebraska

Work continues with Disability Rights Nebraska's Inclusive Education Lay Advocacy Program to continue training people in the community on Special Education. Twenty families were referred to the Inclusive Education Lay Advocacy Program. Eleven of these families were referred to a Lay Advocate. The next Inclusive Education Lay Advocacy training is scheduled for March 12, 2024 to April 18, 2024. Please contact Pat Cottingham if you are interest in the training.

There will be a Summit on Supported Decision Making to take place in early May in Omaha. Jonathan Martinis will be the featured speaker. Disability Rights Nebraska is in the early stages of planning the Summit. More details to come.

Beatrice State Development Center (BSDC) monitoring continues monthly. Disability Rights Nebraska is beginning to do more work in the field of Youth Residential Treatment Centers (YRTC's) and participate regularly in the National Disability Rights Network's youth-facility specific workgroup. This allows staff at Disability Rights Nebraska to connect with staff at other Protection & Advocacy (P&A) offices who monitor similar facilities in their states that house groups of youth.

Here are some of the statistics about the people Disability Rights Nebraska serviced between October 1, 2022 to September 30, 2023

- 123 people called and received information, referral, or technical assistance.
- 54 cases were handled by the Legal Advocacy Team.
- The top five case problems:
  - Education: Individualized Education Plan (IEP)/Individualized Family Service Plan (IFSP)  
– Planning/Development/Implementation: 28 cases
  - Education: Discipline/Procedural Safeguards: 3 cases

- Guardianship/Conservatorship: 3 cases
- Abuse: Inappropriate Use of Restraint & Seclusion: 2 cases
- Abuse: Physical, Verbal, & Sexual Assault: 2 cases
- The three disabilities that showed up most often among people Disability Rights Nebraska worked with on cases:
  - Autism
  - Intellectual Disability
  - Attention Deficit Disorder (ADD)/Attention Deficit Hyperactivity Disorder (ADHD)
- 44 of the 54 cases closed during this time period were resolved partially or fully in favor of the person calling.

### Munroe-Meyer Institute (MMI)

Dr. Susan Riley started as the new director for the MMI Physical Therapy department.

Melanie Davis was accepted to attend Self-Advocate Leadership Skills (SALT) training at the University of Miami Miller School of Medicine's Mailman Center for Child Development. SALT's mission is to teach a leadership skills curriculum to individuals with disabilities so that they can learn strategies to advocate for themselves and others, and affect larger systems change. Melanie was also invited to deliver the closing talk to the class and to become a trainer for the SALT curriculum. She will participate in a train-the-trainer session and SALT trainers will be available for technical assistance as MMI implements the program in Nebraska.

The Respite Employer Engagement Project is going strong. As of January 9, 2024, 30 new employers are sharing Respite resources with their employees and 12 employers have received the Working Caregiver Survey for this fiscal year. To expand engagement, the Working Caregiver Survey has been opened to the public using a QR code during outreach events and social media. As of January 9, 2024, 235 participants from across the state in various stages of caregiving and employment have participated. A provider specific postcard has been created that is handed out during outreach events to encourage enrollment of providers. A new Student Respite Toolkit is being analyzed to increase provider recruitment with secondary schools, colleges, and universities. Work was completed on two animated videos with the help of CCLF. One video promotes Respite Employer Engagement and the other promotes the Nebraska Lifespan Respite Network. The videos have been shared statewide. The FY2021, FY2022, and FY2023 Annual Working Caregiver Survey reports are available on the [respite.ne.gov](https://respite.ne.gov) website. All the respite materials are available in Spanish. The goal is to translate the materials into seven different languages.

In honor of Disability Awareness Month, the Advocacy and the Arts program will have an exhibit, entitled *Disability Awareness Month: Ensuring Our Voices are Heard*, at the Criss Library on the University of Nebraska at Omaha campus. It will be a multi-media exhibit that includes storytelling, video, photography, and 2-D and 3-D artwork created by MMI's students and will be on display in the library lobby March 4, 2024 through March 22, 2024.

The MMI Practical Assessment Exploration System (PAES) opened in December 2024. It assesses and trains students on over 260 transferable job skills across five domains.

MMI/UCEDD will be hosting a statewide one-day working summit on April 29, 2024 for invited participants to explore mental/behavioral health resources available for student in Nebraska pre-kindergarten through transition education programs. MMI will also be hosting a one-day statewide

summit for invited participants on the topic of mental/behavioral health services and systems of care for individuals with intellectual and developmental disabilities on June 27, 2024.

### **Council Chair and Staff Updates**

Rachel S. said that she will be meeting with Sue Medinger, DSA representative, to complete the CY2023 NE DD Council Executive Director Annual Performance Evaluation for Kristen.

Kristen had a few updates to share.

- She will be following-up with those Council members who need to take the New Council Member Orientation to schedule a time for the Orientation.
- The PPR did get submitted on time.
- She worked with Grants Management to submit the annual fiscal reports.
- Joe Valenti submitted a White Paper entitled *A New Perspective Regarding Care for Our Most Vulnerable*. The White Paper shows the value and need for Intermediate Care Facilities (ICFs). Kristen mentioned that the Council needs to hear both sides, proponents for ICFs and opponents of ICFs.

NOTE: Kristen will forward the White Paper to Council members after the meeting.

Joe Valenti:

- By definition, BSDC is an institution. In reality, BSDC is a community of people who have “liked desires”.
- What is the difference between “old folks’ homes” and BSDC? Why are “old folks’ homes” alright to have?
- We need to approach BSDC objectively and possibly shift our paradigm.

Rachel W. noted that Disability Pride Day is July 20, 2024 at Antelope Park. All the activities will be outside. The Auld Pavilion will just be a place to cool off and network. More details to come as they are available.

There are a number of Final Reports included in your meeting packet for you to review.

Kristen and Rachel W. and some others will be presenters at a breakout session at the Charting the LifeCourse Showcase in Kansas City. They will be presenting on what Nebraska has done and is doing to move Charting the LifeCourse forward in Nebraska.

### **Council Member Updates**

Jason said that at the next Nebraska State Rehabilitation Council meeting, they will be voting on whether to recite the *Pledge of Allegiance* before their meeting starts.

In September 2023, Beth presented on Person-Centered Planning to the Special Education Advisory Council, and she will be presenting on the same thing at the Transition Conference at the end of the month.

Shauna mentioned that Bailey got a phone and called 911 and the rescue team showed up at their house. Bailey also called the Superintendent and left multiple messages asking for a snow day. Advocacy can be done in numerous ways, and she uses sharing these stories as a way advocate.

Rachel S. mentioned that Braxton turned 16 and her husband bought him a golf cart to teach him to drive. He is doing well driving. Braxton will be giving a presentation to the United way for The Arc of Platte County. Braxton bowled in the Special Olympics District and got 3<sup>rd</sup> place and qualified for State.

Cheryl Montgomery mentioned that the Spring Association of Community Professionals (ACP) Conference will be virtual and take place on April 24, 2024. The morning session will focus on ethics and the afternoon will focus on managing quality ethics. The Fall ACP Conference will be October 17-18, 2024 and will be in-person.

Shaistha Kiran Karipi mentioned that her daughter went to Winter Camp Munroe.

Matt mentioned that his sister passed away this past September. He wanted to thank everyone for their prayers.

### **Public Comment Period #2**

Rachel S. mentioned that all public meetings must allow time on their agenda for people who are not on the Council to comment. Members of the public, who wanted to address the Council, were instructed to identify himself or herself, including an address and the name of any organization represented.

**Stacy Pfeifer** – Director of Enable Savings Plan – 421 S. 9<sup>th</sup> Street, Suite 137 Lincoln, NE  
Stacy wanted to thank everyone who attended the ABLE Advocacy. She has the slides from the event. Please contact Stacy at [stacy.pfeifer@nebraska.gov](mailto:stacy.pfeifer@nebraska.gov) or 402-450-3134 if you would like her to send them to you.

### **Adjourn**

Matt motioned to adjourn the meeting and Jason seconded. The meeting adjourned.

**The next Council meeting is scheduled for April 19, 2024 and will be in-person. The Planning Committee meeting will be April 18, 2024 and will also be in-person.**

## **Nebraska Council on Developmental Disabilities**

### **Mission**

The Council engages in **Advocacy**, **Capacity Building**, and **Systemic Change** activities that assure that individuals with developmental disabilities and their families participate in the design and have access to needed community services, individualized support, and other forms of assistance that promote *self-determination, independence, productivity, and integration and inclusion* in all facets of community life.

Nebraska Council on Developmental Disabilities  
State Agency Representative  
Report to Council Members

**February 2<sup>nd</sup>, 2024**

Representative: Tony Green, Director

Agency: Department of Health and Human Services – Division of Developmental Disabilities and Home & Community Based Services

**Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:**

**Family Support Waiver**

- The Division continues to work with the Centers for Medicare and Medicaid Services (CMS) to answer questions and provide information for the drafted Family Support Waiver (FSW).
- The proposed start date of the waiver is March 1, 2024, pending CMS approval.

**Provider Mini-Grants**

- The Division is offering a one-time opportunity for Home and Community-Based Services (HCBS) agency providers to apply for the following grant opportunities:
  - Front Line Supervisor Training – Completed, application window has closed. We received 49 total applications and 36 were approved.
  - Person-Centered Planning Training – will be posted soon, 30-day application window.
  - Train the Trainer for Emergency Safety Intervention (ESI) Training – will be posted soon, 30-day application window.
  - New Agency Vehicle or Vehicle Modification Grant – will be posted soon, 30-day application window.
- Information about the upcoming grants will be posted on the DHHS Developmental Disabilities website. <https://dhhs.ne.gov/Pages/Medicaid-Home-and-Community-Services-Provider-Information.aspx>

**System Evaluation**

- DHHS signed with CBIZ Optumas with Myers and Stauffer to complete the evaluation of all Nebraska HCBS waivers. The final draft was submitted to the Nebraska Legislature in December 2023.
- The report can be found here: [https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Health\\_and\\_Human\\_Services\\_Department\\_of/823\\_20231211-152200.pdf](https://nebraskalegislature.gov/FloorDocs/108/PDF/Agencies/Health_and_Human_Services_Department_of/823_20231211-152200.pdf)

**Future/upcoming Agency activities:**

- Monthly HCBS Stakeholder Meeting – February 5, 2024, 4:00 PM – 5:00 PM CT Zoom Meetings. Link on the DD Event Calendar
- Dive into Charting the LifeCourse (CtLC) Monthly Discussion – February 6<sup>th</sup>, 3:00 PM – 4:00 PM CT Zoom Meetings. Link on the DD Event Calendar.
- DD Advisory Committee Meeting – February 14, 2024 10:00-2:00 PM, Conference Room P, 5220 South 16<sup>th</sup> St, Lincoln, NE. Public Comment at Noon.
- Family Support Waiver (FSW) Provider Training – February 15<sup>th</sup>, 2024 2:00 PM – 3:30 PM and February 21, 2024 9:00 AM – 10:30 AM CT Zoom Meeting. Link on the DD Event Calendar.



Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Thomas Janousek

Agency: Division of Behavioral Health

**Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:**

1. CCBHC Implementation updates
  - a. What are CCBHCs: Clinic model is designed to ensure access to coordinated comprehensive behavioral health care. CCBHCs are required to serve anyone who requests care for mental health or substance use, regardless of their ability to pay, place of residence, or age - including developmentally appropriate care for children and youth.
  - b. A large part of the plan is engaging community providers for feedback about the state's model, clinic requirements, and payment plan.
2. DBH Annual Report
  - a. Final Report releasing soon and will be posted on the DBH website
  - b. Highlights:
    - i. Served 23,909 people in FY23
    - ii. Adopted four new services in the state continuum of care
    - iii. 91.5% enrolled in medication management services within 21 days of discharge from inpatient care
    - iv. 5,836 prescription drug lock boxes distributed.
    - v. 73% of consumers discharged to stable living situations.
3. Peer Reinstatement Process:
  - a. In the upcoming month, we will be releasing a process for certified peers to reinstate their certification if they are up to date on their CEUS.
  - b. More Details can be found on the DBH website:  
<https://dhhs.ne.gov/Pages/CPSS-Recertification-Application-and-Information.aspx>

## Nebraska Council on Developmental Disabilities

### State Agency Representative Report to Council Members

Representative: DJ Plautz\_\_\_\_\_

Agency: Nebraska VR\_\_\_\_\_

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

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

Nebraska VR continues to provide technical assistance to supported employment providers in an effort of improving the quality of service delivery.

Future/upcoming Agency activities:

Nebraska VR is developing a comprehensive training on supported and customized employment.

- This training will be made available to existing and prospective providers beginning in February 2024.

Nebraska VR is working on its portion of the Workforce Innovation and Opportunity Act (WIOA) State Plan.

- The state plan includes goals, priorities, and strategies related to supported employment and serving individuals with I/DD.
- The Nebraska Departments of Education, Health and Human Services, and Labor and the Nebraska Commission for the Blind and Visually Impaired have published this draft of the 2024 - 2027 Combined State Plan for Nebraska's Workforce System, in compliance with the Workforce Innovation and Opportunity Act. Public comment on the draft is requested during the 30-day period beginning January 16, 2024 and ending February 15, 2024. The plan is accessible online at <http://tinyurl.com/NEstateplan24-27>.
- Comments on the draft plan may be submitted by email to [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov) or by US mail sent to: State WIOA Team, Reemployment Services Division, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508. Comments on the draft plan may also be provided in person during a public hearing, which will be held at 10am CST on January 31, 2024 at 500 South 84th Street Lincoln, NE 68510. The hearing will be broadcasted simultaneously at the following Nebraska VR locations:
  - Kearney – 315 West 60th Street, Suite 400
  - Lincoln – 500 South 84th Street
  - Omaha – 1313 Farnam on the Mall
  - Scottsbluff – 505A Broadway, Suite 500

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Jennifer Severe-Oforah \_\_\_\_\_

Agency: DHHS, Division of Public Health \_\_\_\_\_

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

LB1060, provides for an exemption to the mandated newborn screening if a parent or guardian objects.

Newborn screening, also referred to as bloodspot screening, involves pricking the infant's heel to gather a small blood sample on specialized filter paper, which is then analyzed for the presence of certain genetic, metabolic, or endocrine disorders. This screening process is currently mandatory in Nebraska.

The mandate for newborn screening is driven by various factors, including the imperative for early intervention. Timely detection of genetic, metabolic, and endocrine disorders enables swift medical intervention, often preventing or minimizing the development of severe symptoms and complications or death. This approach significantly improves the long-term health outcomes and quality of life for individuals affected by these conditions.

The current mandate is crucial because the disorders screened for via dried blood spot cause severe health problems, including death. These disorders are treatable and would often remain undetected until symptoms manifest.

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

DHHS has undergone some reorganization, the Office of Economic Assistance was moved from the Division of Children and Families, to become a separate standalone unit. This movement has had an impact on the Title V Maternal and Child Health Block Grant. The block grant is administered by the Division of Public Health who in addition manages the MCH portion of the grant activities, the Children/Youth with Special Health Care Needs (CYSHCN) portion and the MHCP (Medically Handicap Children's Program) has been in Economic Assistance for more than a decade. As of January 1 the CYSCHN portion of the block grant and MHCP have moved to the Division of Developmental Disabilities under Colin Large. This is seen by DHHS as a good move that should strength the reach and impact of Title V.

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members  
February 2023

Representative: Seamus Kelly/ Tania Diaz

Agency: Disability Rights Nebraska

Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

Lay Advocacy Program:

- Twenty (20) families were referred to the Inclusive Education Lay Advocacy Program during this period. Eleven (11) of these families were referred to a Lay Advocate. There was no advocate available to assist the other Nine (9) families. Information was provided on other possible options for the families to pursue.
- Inclusive Education Lay Advocacy concluded the fall training session on October 19 with five (5) new advocates.
- A meeting was held with advocates on December 15, 2023 to provide an opportunity for previously trained advocates to meet the new advocates and to talk about advocate experiences in their work. A presentation was made by a staff on the use of Functional Behavior Analysis and the development of Behavior Intervention Plans. Discussion ensued on the kinds of questions advocates can ask to influence the way the analysis is conducted, and the strategies included in the Behavior Intervention Plan. Six advocates joined either through zoom or in person. A recording of the presentation was made available to all trained advocates.
- The Inclusive Education Lay Advocacy Coordinator gave public testimony at the December meeting of the Nebraska Department of Education's Special Education Advisory Committee. She provided information about the Inclusive Education Lay Advocacy Program and detailed the serious concerns that parents of children with special education needs are reporting to Disability Rights Nebraska. The talk was well received by the group which has 4 trained advocates as members. Two other members of the committee asked to be notified of the next training so they could register.

- The Inclusive Education Lay Advocacy Coordinator attended the TASH annual conference held in Baltimore on November 30-December 2. The conference's track on inclusive education brought together researchers from across the United States to present findings on the success of inclusion and the debilitating impacts of segregation on students with disabilities. Information gleaned from the sessions will be incorporated in the Inclusive Education Lay Advocacy Training scheduled for March 12-April 18, 2024.

### Case Example:

"Sometimes, it is the right thing to do to stand up and say, 'enough.'"

A Lincoln grandmother wrote those words to Disability Rights Nebraska after our agency played a part in repairing an educational injustice to her grandson.

The 8-year-old boy was a third-grade pupil in a local public school. His disabilities include a blood disorder, specific learning disorder, speech/language impairment and a history of ADHD-related behaviors. When the boy began displaying challenging behaviors, the school responded by secluding him with peers in a small classroom and prohibiting him from participating in breakfast, lunch, and recess. For a time, the boy was receiving instruction for only two hours per day.

At that point, the boy's mother and grandmother contacted Disability Rights Nebraska seeking our assistance. A staff attorney for our agency recommended that the mother file a complaint with the Nebraska Department of Education. After investigating, the department concluded the school violated the boy's right to a free appropriate public education (FAPE) and was not appropriately meeting his needs. Then, the department ordered the school district to provide the boy with compensatory individual tutoring in reading and speech therapy sessions to compensate for the instruction he missed and/or was unable to benefit from during the 41 school days he was inappropriately placed.

As the grandmother stated in her thank you note to our agency, the findings left her feeling vindicated. The family chose to send the boy to a different school in the Lincoln Public Schools system where they say his needs are being met. According to his grandmother, the boy's teachers report he is working hard and making friends. Best of all, he likes school again.

### Supported Decision Making

We are planning a Summit on Supported Decision Making to take place in early May. Jonathan Martinis will be our featured speaker. We are in early stages of planning the Summit.

Web-based resource clearinghouse:

We have a “resource clearinghouse” for Supported Decision Making which catalogues a wealth of information and a category included is Supported Decision Making and mental illness. See the Clearinghouse here: <https://www.disabilityrightsnebraska.org/what-we-do/supported-decision-making/>.

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

#### Beatrice State Developmental Center:

A routine monitoring visit revealed there was a teenager who was being kept on a floor with no other residents due to his behaviors. In this quarter, we returned to the Crisis Stabilization Unit where some of the largest concerns exist about use of force and/or seclusion and restraint and verified that this young man has been discharged to a community-based entity where we hope he will no longer experience the isolation we’d observed. Ongoing review of the monthly incident reports allows staff to decide which cottages to visit during monitoring visits.

#### Youth Residential Treatment Centers: (YRTC’s):

We are beginning to do more in this field and participate regularly in the National Disability Rights Network’s youth-facility specific workgroup. It connects us with staff at other Protection & Advocacy (P&A) offices like ours who monitor similar facilities in their states that house groups of youth.

Since we don’t have the time and staff to reach them all, we used research to narrow down which places to visit.

First, we generated a list of all licensed residential care facilities and Psychiatric Residential Treatment Facilities for youth (PRTFs), then searched the disciplinary rosters from licensing, searched news reports and reviewed past intake calls we’d received. We also looked at whistleblower complaints we’d received and a recent report from the Inspector General for Child Welfare. That report lists issues that continue to be problems at the youth residential treatment centers (YRTCs).

From this data, the Monitoring team prioritized 5 facilities to visit and monitor:

- One private facility in Omaha chosen based on the fact that it had been singled out for both State and Federal disciplinary action,
- One of the Youth Residential Treatment Centers run by the state Department of Health and Human Services,
- One large county juvenile detention center chosen based on the ethnic/racial diversity of their youth,
- Whitehall residential services for young sex offenders which is run by the Lincoln Regional Center, and
- A private juvenile nursing home that was the subject of a whistleblower complaint to our Legal Services Director.

Other Activities:

End of year reporting snapshot: Oct 1, 2022 – Sept 30, 2023

We completed the report on our Protection & Advocacy for Individuals with Developmental Disabilities (PADD) at the end of December. Here are some statistics about the people we served between October 1, 2022 – September 30, 2023. When a person calls us and we take their information, we fill out a form called a service request.

- 123 people called and received information, referral, or technical assistance. Technical Assistance is provided when the person calling is not the person with a disability or the person having the problem. It usually involves providing advice to a family member or other advocate.
- 54 cases were handled by our Legal Advocacy Team. The Team is made up of four advocates who receive phone calls and take information, along with four attorneys and the Inclusive Education Lay Advocacy Program Director. They all meet weekly to discuss what strategies to use for each call we receive.

Some of the most often used strategies include: Self-Advocacy Assistance, Limited Advocacy, and Negotiation. We will take legal action when necessary but most situations can be resolved without having to go to court. If someone reports abuse or neglect, we start by doing an investigation, and then decide which strategy will help resolve the problem after we have all the facts.

- The top five case problems:
  - Education: IEP/IFSP Planning/Development/Implementation: 28 cases
  - Education: Discipline/Procedural Safeguards: 3 cases
  - Guardianship/Conservatorship: 3 cases
  - Abuse: Inappropriate Use of Restraint & Seclusion: 2 cases
  - Abuse: Physical, Verbal, & Sexual Assault: 2 cases
- The three disabilities that showed up most often among people we worked with on cases in this program:
  - Autism
  - Intellectual Disability
  - ADD/ADHD
- 44 of the 54 cases closed during this time period were resolved partially or fully in favor of the person calling.

Nebraska Council on Developmental Disabilities

State Agency Representative  
Report to Council Members

Representative: Mark Shriver\_\_\_\_\_

Agency: University Center for Excellence in Development Disabilities-Munroe-Meyer Institute

**Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:**

Dr. Susan Riley started as the new director for MMI Physical Therapy department. She was most recently interim clinical director of Physical Therapy at Mass General Brigham in Boston, MA. She has been a physical therapist for 45 years and built the PT program at Mas General Brigham.

Melanie Davis was accepted to attend Self-Advocate Leadership Skills (SALT) training at the University of Miami Miller School of Medicine's Mailman Center for Child Development. SALT's mission is to teach a leadership skills curriculum to individuals with disabilities so that they can learn strategies to advocate for themselves, and others and affect larger systems change. This is a 3-day intensive training. Melanie was also invited to deliver the closing talk to the class and to become a trainer for the SALT curriculum. She will participate in a train-the-trainer session and SALT trainers will be available for technical assistance as we implement the program in Nebraska.

We continue to partner with Heartland CIT to train law enforcement officers and justice system staff statewide. MMI also has three representatives on the Heartland CIT board, including two from Severe Behavior. Rachel Ray has been asked to join the state's Behavioral Health Threat Assessment Advanced Law Enforcement Training (BETA) Team. BETA is an initiative to teach participants how to identify mental illness signs and symptoms and conduct a basic threat assessment and to increase empathy and improve positive outcomes between law enforcement and people suffering from mental illness including individuals with IDD.

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

Updates on our Respite Employer Engagement Project:

As of 1.9.24, 30 new employers are sharing Respite resources with their employees and 12 employers have received the Working Caregiver Survey for this fiscal year.

We have opened the Working Caregiver Survey to the public using a QR code during outreach events and social media. As of 1.9.24, we have received 235 participants from across the state in various stages of caregiving and employment.



We created a Provider-specific postcard that is now handed out during outreach events to encourage enrollment of providers, and Georgia Ryba and Hanna Quiring at the DHHS are analyzing a new Student Respite Toolkit – designed by Kim Whitmore and the ARCH – to increase provider recruitment with secondary schools, colleges, and universities.

Work was completed on 2 animated videos with the help of CCLF – one video to promote Respite Employer Engagement and one video to promote the Nebraska Lifespan Respite Network. These videos have been shared statewide.

The FY21, FY22, and FY23 Annual Working Caregiver Survey reports are available on the Respite.ne.gov website: [Working Caregiver Survey](#) | [Nebraska Lifespan Respite Network](#)

All of our respite materials are available in Spanish. Goal is to translate all NLRN Respite materials – including advertisement materials as well as provider orientation/information – into 7 different languages

Updates on Trailblazer Transition and Employment Skills programs:

We are currently contracting with Omaha Public Schools, Millard Public Schools, Westside Community Schools, and Papillion-LaVista Public Schools for the 2023-24 school year, and we currently serve over 120 transition students/adults per week across all programs.

We are accepting applications for the 2024-25 MMI-UNO Trailblazers Program cohort. We will announce the new Trailblazers students by May 1, 2024.

In honor of Disability Awareness Month, the Advocacy and the Arts program will have an exhibit, entitled Disability Awareness Month: Ensuring Our Voices are Heard, at the Criss Library on the UNO campus. It will be a multi-media exhibit that will include storytelling, video, photography, and 2-D and 3-D artwork created by our students and will be on display in the library lobby March 4th through March 22nd.

The MMI PAES Employment Lab opened in December. PAES stands for Practical Assessment Exploration System, and it is research-based and data driven. It assesses and trains students on over 260 transferable job skills across five domains.

### **Future/upcoming Agency activities:**

MMI UCEDD will be hosting a state-wide one-day working summit on April 29<sup>th</sup> for invited participants to explore mental/behavioral health resources available for students in Nebraska PK through transition educational programs. We are looking at mental/behavioral health services within educational and community settings. We will also be exploring how families learn about and access those services and barriers in learning and accessing services. This is part of a project funded by Title V of NE DHHS.

MMI will also be hosting a one-day state-wide summit for invited participants on the topic of mental/behavioral health services and systems of care for individuals with intellectual and developmental disabilities on June 27<sup>th</sup>. This is being coordinated by our Mental Health Technology Transfer Center (MHTTC) and MMI UCEDD. MHTTC is supported by the Substance

Abuse and Mental Health Services Administration (SAMHSA) and was established at MMI in 2018. The Mid-America MHTTC serves the four states of Nebraska, Iowa, Kansas and Missouri with a focus on integrated care, schools and mental health training programs. The Center primarily works to integrate behavioral health care into primary care programs, but also provides training and technical assistance in implementing comprehensive school mental health programming, community-based programming to address serious mental illness, and behavioral health workforce development. We are exploring incorporating a focus on IDD and Mental Health for the next 5 year grant cycle.

Carly DeBruin in MMI Recreation received a grant from the Weitz Foundation. Co Investigators include Annie Woodruff and Sam Montemarano (with UCEDD support) and Catalina Rey in iCASD. The grant will help expand the presence of the Elevatus Training & Curriculum in Nebraska. This grant has a few objectives:

- a. Offering expanded Elevatus classes for community providers, parents/caregivers, and people with I/DD
- b. Bringing the Elevatus team to Nebraska to offer a training, hopefully primarily to area Human Growth and Development teachers so they can bring it back to their districts and teach the elements that are covered in their respective HGD curricula that currently only the general education students are receiving
- c. "Employing" three self-advocate interns who will be paid a stipend of \$5,000 each to become Elevatus self-advocate trainers and work in partnership with us to offer classes through the grant cycle
- d. Evaluating curricula outcomes and determining areas for further development and dissemination

The project is scheduled to begin in August or September of 2024 and last for a year.