The agenda was mailed to Council members prior to the meeting. The meeting was chaired by Jennifer Meints and called to order at 9:30AM, CST. Quorum was present. Currently there are three vacancies on the Council: an agency representative from the Department of Health and Human Services’ Division of Behavioral Health, a self-advocate representative, and a family member representative.

**Present:** Jason Gieschen, Tony Green, Jennifer Meints, Cheryl Montgomery, Ryan Moore, Sara Morgan, Stephen Morton, Erin Phillips, Amy Rhone, Paige Rose, Rachel Siffring, Judy Trent, Dee Valenti, Nate Watson, and Kirsten Wilcox.

**Absent:** Quinton Corwin, Brenda DeLancey, Matt Kaslon, Seamus Kelly, Sharon Orduña, Mark Shriver, and Jane Ziebarth-Bovill.

**Guests:** Eric Evans, Susan Gieschen, Bernie Hascall, Diane Stewart, and Pam Wilcox.

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

**Nebraska Open Meetings Act**
Jennifer Meints explained that Council meetings fall under the Nebraska Open Meetings Act and a copy of the Act is on the sign-in table by the entrance to the meeting room.

The Governor’s Public Meeting Calendar referred members of the public and media to the Council’s Meetings webpage for additional information (posted November 1, 2021).

**Approval of Minutes**
Council members were asked if there were any corrections to the draft August 13, 2021 DD Council meeting minutes. As there were no corrections, Nate Watson made the motion to approve the minutes and Erin Phillips seconded.

A roll call vote was taken: Yes – 12, No – 0, Abstain – 2.* 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 were asked to verbally declare any potential conflicts of interest. They are noted below.

<table>
<thead>
<tr>
<th>Name</th>
<th>Conflict of Interest</th>
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<tbody>
<tr>
<td>Quinton Corwin</td>
<td>Absent</td>
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<tr>
<td>Brenda DeLancey</td>
<td>Absent</td>
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<tr>
<td>Jason Gieschen</td>
<td>Special Olympics Nebraska</td>
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<tr>
<td>Tony Green</td>
<td>Department of Health and Human Services – Division of Developmental Disabilities</td>
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<tr>
<td>Matt Kaslon</td>
<td>Absent</td>
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<tr>
<td>Seamus Kelly</td>
<td>Absent</td>
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<tr>
<td>Jennifer Meints</td>
<td>The Arc of Lincoln (encompasses Advocacy Partners for People with Special Needs), Hands of Heartland, Nebraska Special Education Advisory Council</td>
</tr>
</tbody>
</table>
Financial Reports

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.

Kristen Larsen presented the Federal Fiscal Year (FFY) 2021 Financial Report, a handout at the meeting. For FFY2021 (October 1, 2020 to September 30, 2021), the Council budgeted $310,230. The Year to Date Expenditures were $268,628 – 86.6% of the FFY2021 budget. Due to the COVID-19 pandemic, there were significant savings in Operating and Travel Expenses. 

NOTE: An adjustment will be made to change the Functions of the DSA to $26,653 based on 5% of the FFY2020 federal grant and re-allotment award totaling $533,068. The overcharge will be corrected by the DSA.


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

Due to COVID-19, the Administration on Community Living (ACL) issued a No-Cost Extension with a new Notice of Award (NoA) for FFY2019 on September 22, 2020. The new NoA revised the period of performance to October 1, 2018 to September 30, 2021. This allows the Council to keep drawing down the FFY2019 funds through December 31, 2021.
NOTE: $18,866 is the Total Remaining FFY2019 Funds. This is a no-cost extension for Fritz & O'Hare for the *Along the Way Guides Train-the-Trainer* project through June 20, 2022. This remaining amount was obligated with FFY2020 funds on September 21, 2021.

Also due to COVID-19, ACL issued a No-Cost Extension with a new NoA for FFY2020 on June 11, 2021. The new NoA revised the period of performance to October 1, 2019 to September 30, 2022. This allows the Council to keep drawing down the FFY2020 funds through December 31, 2022.

NOTE: Once all of the FFY2020 funds are spent, the remaining obligations will be shifted to come out of FFY2021 funds.

FFY2021 will need to follow the regular period of performance schedule. The Project Period and Obligation of Funds is from October 1, 2020 to September 30, 2022. Liquidation of Funds needs to be done by September 30, 2023.

Additionally, Kristen presented the FFY2022 Financial Report, a handout at the meeting. At the August 13, 2021 Council meeting, the Council approved the budget of $392,269 for FFY2022 (October 1, 2021 to September 30, 2022). The Year to Date Expenditures for the first month of FFY2022 (October 1, 2021 to October 31, 2021) were $22,616 – 5.77% of the FFY2022 budget.


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

NOTE: $18,914 is the Total Remaining FFY2019 Funds. $18,866 is a no-cost extension for Fritz & O'Hare for the *Along the Way Guides Train-the-Trainer* project through June 20, 2022 and was obligated with FFY2020 funds on September 21, 2021. $48 remained from Disability Rights Nebraska’s *Inclusive Education Lay Advocacy* project.

NOTE: On November 16, 2021, permission was granted from ACL program and fiscal staff for the DSA to complete an accounting Journal Entry on FFY2019 unspent subaward funds after liquidation for staff time spent supporting State Plan goals (AID, not Administration) through September 30, 2021.

NOTE: Once all of the FFY2021 funds are spent, the remaining obligations will be shifted to come out of FFY2022 funds.

FFY2022 will also need to follow the regular period of performance schedule. The Project Period and Obligation of Funds is from October 1, 2021 to September 30, 2023. Liquidation of Funds needs to be done by September 30, 2024.

NOTE: A partial Notice of Award (NoA) for FFY2022 was received on November 12, 2001 for $91,904. Kristen anticipates that we will receive an additional $448,096 for a total of $540,000.

**Committee Assignments and Election of Committee Chairpersons**

The standing committees include the Legislative and Advocacy Committee, the Planning Committee, and the Grant Review Committee. Kristen and Jennifer reviewed the Committee Preference forms that were turned in and tried to assign members to their top rated committee preference. The FFY2022 committee assignments were emailed on October 20, 2021 and were included in the meeting packet. Council members were asked to review the committee assignments and to contact staff if there were any concerns.
or conflicts about the committee they were assigned to and if they had an interest in running for Chairperson of their assigned committee.

Per the By-Laws, elections for FFY2022 standing committee Chairpersons were conducted at today’s Council meeting. Chairpersons of standing committees shall serve at least a one (1) year term and may serve an additional two (2) terms.

Legislative and Advocacy (L&A) Committee Chairperson: Both Stephen Morton and Dee Valenti had said they would be willing to run for the L&A Committee Chairperson. When asked if there were any nominations from the floor, Erin Phillips was named. Erin confirmed she would be willing to run for the L&A Committee Chairperson.

Cheryl Montgomery nominated Stephen for the position of L&A Committee Chairperson and Ryan Moore seconded. Erin nominated Dee for the position of L&A Committee Chairperson and Rachel Siffring seconded. Amy Rhone nominated Erin for the position of L&A Committee Chairperson and Nate seconded. A vote was taken by secret ballot. Stephen Morton is the L&A Committee Chairperson for FFY2022. (Stephen 7 votes, Erin 4 votes, Dee 4 votes)

Planning Committee Chairperson: Ryan Moore had said he would be willing to run for the Planning Committee Chairperson. There were no additional nominations from the floor.

The By-Laws limit the number of terms a Council member can serve as Chairperson of a standing committee to three (3) terms. Ryan has served three (3) terms as the Planning Committee Chairperson [FFY2019, FFY2020, and FFY2021] and FFY2022 would be his fourth term. Kristen reached out for technical assistance from Sheryl Matney at Information & Technical Assistance Center for Councils on Developmental Disabilities. Sheryl stated that the Council could vote to suspend the By-Laws for this one situation. She did advise that this would set a precedent for the Council to suspend the By-Laws for other situations. Since there were no additional nominations from the floor for the position of Planning Committee Chairperson, Stephen moved to suspend the By-Laws and Erin seconded.

A roll call vote was taken: Yes – 13, No – 0, Abstain – 1.* Motion carried.

Jason Gieschen nominated Ryan for the position of Planning Committee Chairperson and Cheryl seconded. Nate moved to elect Ryan as the Planning Committee Chairperson by Unanimous Consent and Dee seconded. Ryan Moore is the Planning Committee Chairperson for FFY2022.

Grant Review Committee Chairperson: Both Brenda DeLancey and Judy Trent had said they would be willing to run for the Grant Review Committee Chairperson. Kristen announced that she received an email from Brenda, who was withdrawing her name for the Grant Review Committee Chairperson. There were no additional nominations from the floor.

Rachel nominated Judy for the position of Grant Review Committee Chairperson and Erin seconded. Nate moved to elect Judy as the Grant Review Committee Chairperson by Unanimous Consent and Sara Morgan seconded. Judy Trent is the Grant Review Committee Chairperson for FFY2022.

Five-Year State Plan for Federal Fiscal Years 2022-2026 Update
The Five-Year State Plan for Federal Fiscal Years 2022-2026 was submitted to ACL on September 30, 2021. Kristen emailed a copy of the submitted plan to Council members on October 6, 2021. ACL’s Office of Intellectual and Developmental Disabilities (OIDD) informed Council staff that our State Plan has been
conditionally approved for work to begin. The each State Plan will undergo a Peer Review process. The Peer Review panels are comprised of fellow Council Directors, Council staff, and Council members. Their feedback, along with OIDD’s feedback, will help to determine the next steps for each state. Some State Plans will have full approval and others may require revisions to maintain their approval status. OIDD will reach out to individual Councils requiring revisions. If revisions are needed, OIDD will establish a timeline for the revisions to occur.

The following goals and objectives, for the Five-Year State Plan for Federal Fiscal Years 2022-2026, will be addressed this Federal Fiscal Year. 

**NOTE:** The Five-Year State Plan for Federal Fiscal Years 2022-2026 Goals and Objectives Document is attached to the end of the minutes for your review.

Goal 1: Employment
- Objective A: Will be addressed with the contract being negotiated in Procurement with Dr. Lisa Mills.
  
  **UPDATE:** The contract with Dr. Lisa Mills was signed on November 24, 2021.
  
  **NOTE:** Nebraska VR is also doing an Employment Rate Study. The information gleaned from the study will be shared with Dr. Lisa Mills.
- Objective C: Will be addressed with the 2021-2023 People First of Nebraska Employment Project.

Goal 2: Informal and Formal Supports
- Objective A, 5: Will be addressed with the 2021-2022 Kolb Foundation Adult Sibling Network Project. Year 2 of the Person-Centered Planning Project with Center for Outcome Analysis will also address this objective.
- Objective B: Will be addressed with the 2021-2023 PTI Nebraska Transitioning Youth into Adult Services Project.

Goal 3: Community Integration and Inclusion
- Objective A: Will be addressed with the 2021-2022 Duet Training for Personal and Professional Development: Staff, Supported Person, and Caregiver Training Project.
- Objective B: Will be addressed with Year 2 of the Emergency Preparedness, Response, and Recovery Project with Niagara University.
- Objective D: Will be addressed with the Munroe-Meyer Institute (MMI) Empowering Families of Children with Autism in Nebraska through Community Trainings and Awareness Project.

Goal 4: Advocacy and Self-Advocacy
- Objective C, 2: Will be addressed with the 2021-2023 People First of Nebraska State Advocacy Project.

The deadline for submitting the Program Performance Reports (PPR) for FFY2020 and FY2021 was extended. The deadline for submitting the PPRs is March 1, 2022.

Dee and her husband have been asked to speak at the 40th Annual Midwest Symposium for Leadership in Behavior Disorders in February 2022. They will be speaking to an audience of Special Education Teachers and Board Certified Behavior Analysts (BCBA). Dee will be sharing some of the updated Along the Way Guides at the breakout sessions.

**NOTE:** The Council contracted with Fritz & O'Hare to make updates to the Along the Way Guides. Some of the links have expired and need updating. Once the Along the Way Guides have been updated, Fritz & O'Hare
will resume train-the-trainer training sessions with the updated guides. In addition, the Council has set aside funds to print the guides for distribution. The updated guides will also be posted to the Council’s Resources Webpage.

Kristen mentioned that PTI Nebraska would also be using the updated Along the Way Guides.

Rachel mentioned that the Director of The Arc of Platte County attended one of the Nebraska Emergency Management Disability Trainings conducted by Niagara University. After attending the training, he was excited with what he learned and is looking for ways to bring this training to the local level.

Nebraska Olmstead Plan Goals Update
Bernie Hascall, Policy Administrator II, from the Division of Developmental Disabilities provided an update on Nebraska’s Olmstead Plan.

In August 2018, the Olmstead Steering Group was formed and began meeting. They were initially tasked with drafting Nebraska’s first Olmstead plan, in collaboration with the Olmstead Advisory Group. The Olmstead Vision is “People with disabilities are living, learning, working, and enjoying life in the most integrated setting.” Nebraska’s Olmstead Plan was written in 2019 and is posted on the DD Division’s Olmstead Plan website, https://dhhs.ne.gov/Pages/Olmstead.aspx.

Many of the goal strategies were process driven in the first year. Strategies will be adjusted in the coming year to follow the SMART goal format.

**NOTE:**
- **S** – Specific
- **M** – Measurable
- **A** – Achievable
- **R** – Realistic
- **T** – Timely

Nebraska’s Olmstead Plan reflects the following fundamental beliefs in supporting individuals with disabilities. Nebraska is committed to:

- Person- and family-centered approaches.
- Ensuring the safety of, and an improved quality of life for, people with disabilities.
- Services that are readily available, at locations accessible to individuals in need and their families.
- Supporting individuals to live a meaningful life in the community they choose.

The following guiding principles serve as a foundation for Nebraska’s Olmstead Plan.

- **Self Determination and Choice:** Individuals with disabilities and their families will be supported in controlling decisions about their lives, selecting from an array of services, supports, and providers.
- **Independence and Least Restrictive:** Individuals will receive services that maximize their full potential, in the least coercive manner and in the most natural settings possible to meet their needs.
- **Use of Respectful Language:** Including “People First” Language: Individuals with disabilities and their families will be treated with dignity and as individuals who have their own unique strengths, wishes, and desires.
- **Evidence-Based Strategies:** Individuals with disabilities and their families will have access to services and supports that adhere to evidence-based practices, in order to achieve the best outcomes.
- **Services Across the Life Span:** Nebraskans with disabilities will have access to age-appropriate services and supports from birth to end of life.
• **Safety:** Nebraskans with disabilities will be served in environments that are free from abuse and neglect, and that meet ADA compliance standards for health and well-being.

• **Diversity:** Services will honor the geographical differences, race, ethnicity, religion, socio-economic, and gender identities of all individuals with disabilities.

• **Inclusion:** All individuals with any type of disability will have the opportunity to live, learn, work and socialize with members of their community who do not have disabilities.

• **Integration:** Services and supports will afford individuals with disabilities the opportunity to live as neighbors in, and to participate as active members of, their communities.

• **Accountability:** The systems and services that support individuals with disabilities will be accountable to Nebraska’s state administration, legislature, taxpaying citizens, and most importantly, to those they serve.

Nebraska’s vision is for all individuals with disabilities to live, learn, work, and enjoy life in the most integrated setting of their choosing. The Nebraska Olmstead Plan sets forth the following goals in order to achieve this vision.

• Goal 1: Nebraskans with disabilities will have access to individualized community-based services and supports that meet their needs and preferences.

• Goal 2: Nebraskans with disabilities will have access to safe, affordable, accessible housing in the communities in which they choose to live.

**Nebraska Supportive Housing Plan**

• Goal 3: Nebraskans with disabilities will receive services in the settings most appropriate to meet their needs and preferences.

**Person-Centered Planning Initiative**

• Goal 4: Nebraskans with disabilities will have increased access to education and choice in competitive, integrated employment opportunities.

• Goal 5: Nebraskans with disabilities will have access to affordable and accessible transportation statewide.

• Goal 6: Individuals with disabilities will receive services and supports that reflect data-driven decision-making, improvement in the quality of services, and enhanced accountability across systems.

• Goal 7: Nebraskans with disabilities will receive services and supports from a high-quality workforce.

Each goal has several strategies to address it and recommendations for moving forward.

DHHS created three workgroups to look at Housing, Education and Employment, and data issues. These workgroups include people with disabilities who can share lived experience in these areas.

Some of the recommendations in the progress report include improving data sources and collection, creating a Transportation Workgroup, Transitioning to a SMART goal format, and continuing to educate and work collaboratively with the Legislature.

A progress report will be given to the Legislature and the Governor by December 15, 2021.

**Nebraska Enable Savings Plan**
The Nebraska Enable Savings Plan has moved from being administered by First National Bank to being administered by the Nebraska State Treasurer’s Office. Diane Stewart [111 N. 181st Street – Suite 203, Elkhorn, NE 68022] is the Director of the Enable Savings Plan. The Enable Savings Plan is a great product that individuals can utilize to save money and has undergone a great deal of growth in the past few years. In 2016, there were only 219 accounts and now there are over 3,000 accounts. With the passage of LB705, the account balance may be transferred to another family member. One of Diane’s roles is assisting people
through the enrollment process of opening an Enable Savings Plan. Diane also provides virtual presentations as well as informal Q&A sessions on the Enable Savings Plan.

October 19, 2021 Report of the Executive Committee
The Executive Committee met on October 19, 2021 to review the process and timeframe for the Annual Executive Director’s Performance Evaluation. Council members will collectively conduct the Executive Director’s Performance Evaluation at the November Council meeting. The Executive Committee also discussed the desire for virtual leadership training with Information & Technical Assistance Center for Councils on DD (iTACC).

NOTE: A copy of the October 19, 2021 Executive Committee meeting minutes were included in the meeting packet.

CY2021 NE DD Council Executive Director Annual Performance Evaluation
Jennifer explained that a motion was needed to enter into a closed session to discuss the Executive Committee’s recommended evaluation of the Executive Director. Erin so moved and Amy seconded. A roll call vote was taken: Yes – 13, No – 0, Abstain – 0.* Motion carried. [Sara Morgan stepped out of the room.]

At 12:55PM, CST, the Nebraska Council on Developmental Disabilities meeting entered into a closed session and Kristen Larsen, Joni Dulaney, Nikki Krause, and Eric Evans left the meeting room while the Executive Committee’s recommended Executive Director Annual Performance Evaluation was discussed.

At 1:05PM, CST, Jason made a motion to close the closed session and Nate seconded. The Nebraska Council on Developmental Disabilities meeting was re-opened to the public at 1:06PM, CST and Kristen, Joni, Nikki, and Eric returned to the meeting room.

Jennifer called for a motion to accept and submit the Executive Committee’s recommended Executive Director Annual Performance Evaluation to Sue Medinger, the Designated State Agency (DSA) representative. Erin so moved and Jason seconded. A roll call vote was taken: Yes – 14, No – 0, Abstain – 0.*

Updates from State Agency Representatives
NOTE: Written reports from the State Agency Representatives are attached to the end of the minutes for review. Please see the written reports for additional reporting items. [Tony Green, Division of Developmental Disabilities; Sara Morgan, Maternal and Child Health – Division of Public Health; Amy Rhone, Department of Education – Office of Special Education; Paige Rose, Nebraska Vocational Rehabilitation; Nate Watson, Medicaid and Long-Term Care and Aging]

Division of Developmental Disabilities (DDD)
Tony Green mentioned that they are still taking ideas for the American Rescue Plan Act of 2021 – Home and Community-Based Services (HCBS). They are looking for one-time investments, nothing that needs to be sustained. The Aged & Disabled Waiver Renewal was approved by the Centers for Medicare and Medicaid Services (CMS) for an August 1, 2021 implementation. The Chore Service was unbundled into three separate services: Chore, Companion, and Personal Care. Currently work is being done on the Developmental Disabilities Adult Day (DDAD) Waiver renewal and the Comprehensive Developmental Disabilities (CDD) Waiver early renewal. The hope is to submit these by November 30, 2021 with an expected implementation of March 1, 2022. It will simplify the process by having these two waivers on the same reporting cycle. A legislative hearing is scheduled for December 3, 2021 for Legislative Resolution (LR) 239 [interim study to examine the effectiveness of Medicaid waivers in Nebraska overseen by DHHS].
The hearing will be by invited testimony only and is a way for all senators to get a clearer picture of what the process is for DD Waivers. A large part will be focused on the registry and what the 2,800 people on the registry get and do not get for services. DDD has three goals for the 2021-2022 DHHS Business Plan. They are:

1. Person-Centered Systems Implementation;
2. Aged & Disabled Rate Modeling; and
3. Home and Community-Based Services Single Case Management System.

The next monthly HCBS Stakeholder meeting is on December 6, 2021 and the next DD Advisory Committee meeting is on December 9, 2021.

Maternal and Child Health – Division of Public Health
Sara mentioned that the Children & Youth with Special Health Care Needs (CYSHCN) Parent Resource Coordinator Program with the University of Nebraska Medical Center/Munroe-Meyer Institute is ongoing as is the Pediatric Mental Health Care Access Program work to increase screening of children with and without special health care needs in community settings. They are continuing to work on the establishment of a statewide Deaf/Hard of Hearing Role Model/Mentor Program. Early hearing screenings have been expanded to include three-years of age. The Family Engagement Program contract, to look at school systems and children with DD and behavioral issues, has been delayed.

Department of Education – Office of Special Education
Amy mentioned that there has been a large increase in the number of students/families applying for homeschool exempt status, because COVID and the mask issue. This creates the need for additional guidance around the requirement of districts to provide Free Appropriate Public Education (FAPE) to homeschool exempt status students. Students receiving FAPE can be required to come into the school to receive it. Parents do not want their children in school, so some families revoke the FAPE service. There is very little accountability and follow-up when students are homeschooled. If the students come back to the classroom, the question is will they still qualify for services. Many school districts are trying to move back to normal, but there is no longer a normal. Many districts are working to develop compensatory service plans for students who were not receiving FAPE during the pandemic. The Office of Special Education has seen an increase in State Complaint Filings in the last two years, many of which were attributed to the COVID-19 pandemic. Parents and families, whose children who missed preschool last year due to COVID, now want to retain or do another year of preschool. However, districts need to be aware of the Compulsory Attendance Law. A child is of mandatory attendance age if the child will reach six years of age prior to January 1 of the then-current school year. In Nebraska, compulsory attendance is first grade. Nebraska was awarded approximately $17 million in American Rescue Plan Federal IDEA funds. These additional funds will be added to the district IDEA Consolidated Grant for the 2021-2022 school year and are available for districts to budget expenditure on August 10, 2021. The districts will have 45 days to complete the applications for the additional American Rescue Plan Federal IDEA fund allocations.

Nebraska Vocational Rehabilitation (VR)
Paige Roes mentioned that in the past 17 months, 5,000 people have been removed from the wait lists. For Priority Group 1, those people with the most significant disabilities, there is no wait list. Priority Group 2 is under Order of Selection, but is being cleared immediately. Priority Group 3 is also under Order of Selection with approximately 390 people. Lupe Stevens was hired as the Program Director for Transition, replacing Brigid Griffin. Legislative Bill (LB) 527, requiring transition planning to begin at age 14 rather than age 16, has had little to no impact to local VR teams yet. Full-time employee positions are available to hire additional staff once referrals start increasing for that age group. The study of rates and revisions to Nebraska VR’s Supported Employment Program is being conducted by Public Consulting Group to ensure
payment for service is aligned with costs. A kick-off meeting is scheduled for November 15, 2021. The study will culminate in recommendations for rate revision by June 30, 2022. Implementation of new rates and program standards is October 1, 2022. VR is starting a pilot project with the National Technical Assistance Center on Transition: the Collaborative and in partnership with a local school district in January 2022 that is focused on assessment for students with the most complex support needs. The VR training for new DD Service Coordinators is being planned for January 2022.

**Division of Medicaid and Long-Term Care and Aging (M&LTC)**

Nate mentioned that the Heritage Health Adult Medicaid Expansion program has now been serving eligible Nebraskans for over a year. As of November 1, 2021, about 55,000 Nebraskans were found eligible for coverage through Medicaid Expansion. An important update is the change to a single benefit category for all expansion beneficiaries, which took place on October 1, 2021. This change happened automatically for everyone with coverage under expansion, and means that all Medicaid Expansion beneficiaries have full Medicaid benefits, including dental, vision, and over-the-counter medications. Nebraska launched its Electronic Visit Verification (EVV) system at the beginning of 2021. EVV electronically captures and verifies Waiver and Personal Assistance Services (PAS) provider visit information, which helps ensure Medicaid beneficiaries are getting the care they need and that provider claims are processed accurately. In November 2021, a change in billing codes occurred for providers who provide Chore services. The Chore service code was discontinued and was replaced with two new service codes: Personal Care and Companion. The changes to the Medicaid Insurance for Workers with Disabilities (MIWD) program, which includes two new eligibility groups, modifies standards for eligibility, and lowers the premium caps, went into effect on October 1, 2021. Medicaid is re-launching the Medical Care Advisory Committee (MCAC) in fall 2021/winter 2022. Members of the committee can be Medicaid beneficiaries, advocates, and providers and serve on the committee to make recommendations to the Medicaid program. They are still seeking additional members to join the committee, particularly to represent Medicaid beneficiaries and their advocates. Please let Nate know if you are interested in participating on the MCAC. Providers are invited to join Nebraska Medicaid for regular calls with updates on how Medicaid continues to respond to COVID-19. The next call will be on December 15, 2021 at 12:00PM, CST. While the calls are geared towards providers, the calls are open to anyone.

**Updates from the DD Network Representatives**

**NOTE:** Written reports from the DD Network Representatives are attached to the end of the minutes for review. Please see the written reports for additional reporting items. In Seamus Kelly’s absence, Eric Evans gave the report for Disability Rights Nebraska and Mark Shriver was not present to provide an oral report. [Seamus Kelly, Disability Rights Nebraska; Mark Shriver, Munroe-Meyer Institute]

**Disability Rights Nebraska**

Eric mentioned that Disability Rights Nebraska staff continued to conduct monthly monitoring phone calls and reviewed general event reports, preliminary event reviews, and investigation reports from the Beatrice State Developmental Center (BSDC). The visitation policy at BSDC has changed to require that family visits are allowed by appointment only, and in two specific locations at the facility. Visitors must check-in at the reception desk and wear a mask during their entire visit. Therefore, people who are isolated are even more isolated. The Disability Rights Nebraska legal team continues to investigate and respond to allegations of abuse, neglect, or exploitation. Disability Rights Nebraska provided public comments at the quarterly meeting of the Special Education Advisory Council regarding the removal of the restraint and seclusion policy requirement in the Nebraska Department of Education’s re-write of Rule 10. They continued to monitor information on COVID-19 and disability and participate in regular stakeholder with Tony Green, Director of the Division of Developmental Disabilities. Research continued on Supported Decision Making and the initial meeting of the Steering Committee was held. Disability Rights Nebraska continued to investigate and respond to allegations of rights violations. The Olmstead Advisory Committee met on
September 23, 2021 and Disability Rights Nebraska raised concerns again regarding the lack of commitment by the State to develop a plan based on data collected showing the existing need for community integration. The Inclusive Education Lay Advocacy curriculum had to be restructured to a virtual platform. Plans for a hybrid training format are in the process of being developed and will start in the spring of 2022. Disability Rights Nebraska has continued the partnership with the Secretary of State office in reviewing accessibility of polling places. Additionally, Disability Rights Nebraska is contracting with The Arc of Nebraska to conduct the physical accessibility component and a staff member from the Nebraska Commission for the Deaf and Hard of Hearing for the website accessibility component.

Council Chair and Staff Updates
Kristen mentioned that the Governor has not made any decisions yet on reappointing Council members who are eligible for reappointment or on making appointments to fill Council vacancies. Kristen also mentioned that the hiring process is underway to find a temporary Program Specialist to join the Council staff.

Council Member Updates
Kirsten Wilcox said that she got to do in-person bowling this fall and her job is going well.

Rachel has taken a long-term substitute teacher position for the second grade until the end of the quarter. She is trying to get Anthony Ianni, the speaker for The Arc of Nebraska’s 50th Annual Senatorial Dinner, to come to their school to speak. She also mentioned that her son will be turning 14 in January and they are starting the transition process.

Ryan mentioned that he and his wife took part in the Human Library. This was an opportunity for them to tell their story and the obstacles they faced to others. They have been doing a full kitchen remodel in their home to make it more accessible. They have lowered the countertops and the appliances are at arm level.

Jason went to Orlando with his sister and friend. Jason went to Colorado in October to see Jeff Dunham. Jason will be a representative for Team Nebraska for both the Special Olympics National and USA National Games.

Dee went to her niece’s wedding and nephew’s wedding. The weddings were two weeks apart. One was in Anchorage, Alaska and the other in Honolulu, Hawaii.

Cheryl mentioned that the 2021 Holy Cow! What Now? Life after Graduation Transition Conference was October 6, 2021 at the Norfolk Public Library.

Jennifer went to Disneyworld with The Arc of Lincoln as a sponsor. The i2Choir will be performing at the International Quilt Study Museum on Sunday at 4:30PM. CST. This is a free concert.

Amy’s son is on the unified bowling team.

Nate said he is really into decorating for Christmas. There is nothing like the look on little kids’ faces when they see the lights.

Public Comment
Jennifer opened the meeting for public comment. No public comments were made.
Adjourn
The meeting adjourned at 3:14PM, CST.

The next Council meeting is on February 4, 2022. The Legislative and Advocacy Committee meeting is on February 3, 2022.

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

2022-2026 Five-Year State Plan Goals and Objectives

**Goal 1: Employment**
The Nebraska Council on Developmental Disabilities (DD) will collaborate with Nebraska DD Network Partners, state agencies, community programs, and other stakeholders to provide resources and improve competitive, integrated, and meaningful opportunities for employment, including self-employment with competitive wages, for Nebraskans with intellectual and developmental disabilities (I/DD).

**Objective A.** Conduct a comprehensive Employment and Supported Employment Outcomes Study across the state of Nebraska to identify necessary systemic changes to Nebraska’s employment support system. Findings will be used to educate individuals with I/DD and families so they can help advocate for systemic changes and remove barriers, and will be shared with leadership at Nebraska Vocational Rehabilitation (VR), Division of Developmental Disabilities, and the Nebraska Legislature.

**Objective B.** Advance a Nebraska Employment First Initiative to increase resources, access, options, and opportunities for competitive, integrated employment at a living wage for all people with disabilities. Facilitate the education of Nebraskans about the Employment First initiative and its expectations. People with disabilities and their families will be included on Employment First planning committees.

**Objective C.** Coordinate three employer-to-employer events to increase the number of persons with I/DD employed in integrated settings at minimum wage, particularly in rural areas and/or in Spanish speaking communities. Promote job creation, hiring, retention, and promotion of individuals with I/DD, and collaboration to support and encourage self-employment opportunities for individuals with I/DD.

- People First of Nebraska, “Employment” Project – 2021-2023

**Goal 2: Informal and Formal Supports**
Increase and strengthen the knowledge of individuals with intellectual and developmental disabilities (I/DD) and their families to promote and encourage informed decision making about their choices leading to improved quality of life, increased independence, productivity, and full inclusion in their communities.

**Objective A. (for Council Staff)** Convene a workgroup across Department of Health and Human Services (DHHS) divisions, in partnership with families, to:
1. Create a plan to increase awareness of Nebraska programs that exist to provide support to families who have children with disabilities.
2. Identify ways to assess whether current programs (both state and federally funded) are meeting the needs of children with I/DD and their families.
3. Explore current Medicaid waivers and Medicaid State Plan services for adequacy.
4. Explore natural supports and non-waiver services to support individuals and families who do not have access to waiver supports or are on the DD Home and Community-Based Services (HCBS) wait list.

5. Improve efforts to educate parents, families, and professionals about the various services available through waiver supports. Continue supporting efforts to streamline waiver services to support person-centered planning principles.

*Kolb Foundation, “Adult Sibling Network” – 2021-2022

**Objective B.** Partner with Nebraska communities and/or community-based organizations for the development of three community-based events, activities, or virtual gatherings to be held in rotating locations across the State each federal fiscal year. Events/activities/virtual gatherings will educate and inform English and non-English speaking individuals with I/DD and their families, including immigrants and refugees, and professionals about important and emerging disability related issues, services, and supports available in their communities and statewide, and how to use assistive technology in employment, education, recreation, behavior, etc.

*PTI Nebraska, “Transitioning Youth into Adult Services” – 2021-2023

**Objective C.** Address technology needs and lack of capacity to train parents on how to navigate technology and on the use of Assistive Technology by collaborating with a community services agency in non-English speaking communities to provide training and technical assistance.

**Goal 3: Community Integration and Inclusion**

By 2026, the capacity of communities and systems to fully include individuals with intellectual and developmental disabilities (I/DD) will be increased so that people will have opportunities for greater independence and integration.

**Objective A.** People with I/DD are provided services and supports by professionals in a variety of service systems who are knowledgeable, trained, and supported. Enhanced training and support will address workforce capacity issues and recruitment and retention in I/DD services areas, with a particular focus on direct support professionals.

1. Through 2026, support annual training opportunities for direct support professionals and frontline supervisors to increase skills.

* Duet, “Training for Personal & Professional Development; Staff, Supported Person, & Caregiver Training” – 2021-2022

**Objective B.** By 2026, increase the capacity of advocates and policy makers to address at least three emerging issues that impact individuals with I/DD and their families.

* Niagara University, “Emergency Preparedness, Response, and Recovery” Year 2 – 2021-2022

**Objective C.** Invest in respite trainings addressing needs of children and youth with I/DD to improve access and family support.

**Objective D.** Invest in caregiver training for the aging population with I/DD to improve access to information, services, and supports for individuals with I/DD and their families/caregivers.
Goal 4: Advocacy and Self-Advocacy

Each year of the plan, the Council will collaborate with self-advocacy organizations, Nebraska Developmental Disabilities (DD) Network Partners, State Agencies, and other stakeholders to implement and expand the tenets of self-determination, increase the ability and opportunity for people to advocate for themselves and others, and increase the number of individuals who meaningfully participate in policymaking and leadership roles.

Objective A. Advocate for positive systems change impacting the lives and health of individuals with intellectual and developmental disabilities (I/DD) of diverse identities and their families through active participation in statewide advisory committees and cross-disability workgroups, public policy advocacy, cross-systems dialogue, and Nebraska DD Network Partners collaboration.

Objective B. (Council staff) Collaborate among the Nebraska DD Network Partners (Disability Rights Nebraska, the University of Nebraska Medical Center Munroe-Meyer Institute – University Center for Excellence in Developmental Disabilities Education, Research and Services [UCEDD], and the Nebraska Council on Developmental Disabilities) to advocate for positive systems change impacting the lives and health of individuals with I/DD by:
1. Conducting monthly planning meetings to discuss trends, concerns, and challenges with a goal of system changes and improvements for Nebraskans with I/DD.
2. Hosting training on a mutually selected topic for Nebraska DD Network Partners members at the annual Tri-Board Meeting.
3. Continue leveraging joint advocacy efforts to strengthen and improve the newly developed Nebraska Olmstead Plan.

Objective C. Provide funding to continue to build People First of Nebraska, a statewide advocacy cross-disability coalition, to address current and emerging systems issues of people with disabilities related to person-directed planning and meaningful, productive community inclusion.
1. Strengthen support for an increased number of self-advocates through leadership development and coalition participation by expanding efforts statewide to reach, educate, and engage younger self-advocates and their families in the self-determination movement.
2. Increase opportunities for self-advocates who are leaders to train other self-advocates to become leaders and increase opportunities for participation in cross-disability, culturally diverse organizations.

Objective D. Individuals with I/DD (especially those with co-occurring I/DD and mental health challenges and/or Alzheimer’s and other dementia symptoms) and their families will have access to services, supports, and resources to receive services in both community and school settings that are least restrictive and respects their rights.
Nebraska Council on Developmental Disabilities
State Agency Representative
Report to Council Members

November 19, 2021

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:

American Rescue Plan Act of 2021 – HCBS:
- October 15, 2021 Nebraska sent CMS additional information as part of its quarterly spending update.
- Documents are on the DHHS public website: https://dhhs.ne.gov/Pages/Medicaid-Providers.aspx

Aged & Disabled Waiver Renewal Status:
- Approved by CMS for 8/1/21 Implementation
- Chore Service – now unbundled into 3 separate services: Chore, Companion & Personal Care

DD Waiver Update:
- Currently working on Day renewal and Comprehensive early renewal
  - Public comments is complete
  - Working towards submission by November 30, 2021 with expected implementation March 1, 2022
- DD Day and Comprehensive Waiver Amendments have been implemented. Changes are located at: https://dhhs.ne.gov/DD%20Documents/2021%20DD%20Amendments%20Reference%20Guide.pdf

LR239:
- Working with the Legislative HHS Committee to gather requested data.
- Legislative hearing is scheduled for December 10, 2021, 9:00 AM (Invited Testimony Only)

2021-2022 DHHS Business Plan:
- DDD has three goals:
  1) Person-Centered Systems
  2) Aged & Disabled Rate Modeling
  3) Home and Community-Based Services Single Case Management System
- The Business Plan is available online at: https://dhhs.ne.gov/Pages/Reports-and-Statistics.aspx

Future/upcoming Agency activities:
- DD Advisory Committee Meeting – December 9, 2021, 10:00-2:00 PM – DHHS Office, 5220 South 16th St, Conference Room P, Lincoln, NE
- Monthly HCBS Stakeholder Meeting – December 6, 2021, 4:00 PM – 5:00 PM CST WebEx Meetings. Link on the DD Event Calendar: http://dhhs.ne.gov/Pages/Developmental-Disabilities.aspx
Nebraska Council on Developmental Disabilities

State Agency Representative Report to Council Members
November 2021

Representative: Sara Morgan
Agency: Department of Health and Human Services

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

Continuing to work on:

- CYSHCN Parent Resource Coordinator Program with UNMC MMI - ongoing
- Pediatric Mental Health Care Access program work to increase screening of children with and without special health care needs in community settings - ongoing
- Working out process of Spinal Muscular Atrophy (SMA) diagnosis, referral to treatment (added Nov 2020)
- Establishment of a statewide Deaf/Hard of Hearing Role Model/Mentor Program

Future/upcoming Agency activities:

- Family Engagement Program contract – delayed
- Expand capacity of DHHS program to support early childhood hearing screening, not just newborn screening
- Work with birthing hospitals to adjust screening algorithm and voluntarily report CCHD data to NDHHS
Update on activities/trends/improvements/issues impacting individuals with I/DD since the last Agency update:

COVID Updates –
Homeschool – a large increase in the number of students/families applying for homeschool exempt status, creating a need for additional guidance around the requirement of districts to provide special education (FAPE) to homeschool exempt status students.

Preschool and compulsory attendance – Students who missed out on preschool last year due to covid and now parents/families want to retain or do another year of preschool however, districts need to be aware of the compulsory attendance law - A child is of mandatory attendance age if the child will reach six years of age prior to January 1 of the then-current school year.

Compensatory Services – many districts are working to develop compensatory service plans for students who were not receiving FAPE during the pandemic. The Office of Special Education has seen an increase in State Complaint Filings in the last 2 years, many of which are attributed to the COVID-19 pandemic.

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

State Performance Plan/Annual Performance Report (Federal Data Reporting) -
The Individuals with Disabilities Education Improvement Act (IDEA) requires each state to have in place a State Performance Plan (SPP). This plan describes and evaluates the state’s efforts to implement the requirements of the IDEA Part B. The SPP includes annual targets for 17 indicators identified by the U.S. Department of Education Office of Special
Education Programs (OSEP). The SPP/APR includes indicators that measure child and family outcomes and other indicators that measure compliance with the requirements of the IDEA. Each year, states must report against the targets in their SPP in an annual performance report (APR). Nebraska Department of Education State Performance Plan/Annual Performance Report Target Setting process includes stakeholder involvement in setting the SPP targets.

You can see the SPP/APR Indicator Target Setting on our home page at: education.ne.gov/sped

Public input for target setting proposals will be open from November 1, 2021, until December 30, 2021. Comments on the proposed targets may be submitted for all indicators within this form. If you have additional questions about the target setting process contact: Kris Elmshaeuser Assistant Administrator – Office of Special Education kris.elmshaeuser@nebraska.gov or 402-937-5866.

Disproportionate Representation
(State Performance Plan/Annual Performance Report [SPP/APR] Indicators B9 and B10), Significant Discrepancy (SPP/APR Indicators B4A and B4B), and Significant Disproportionality are all calculated using your district’s special education student data that is submitted to NDE.

Federal Guidance

The U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS) sent a letter to its state and local partners reiterating its commitment to ensuring children with disabilities and their families have successful early intervention and educational experiences in the 2021-2022 school year.

This letter outlines a series of question and answers (Q&As) as children and students return to in-person learning. The Q&As focus on topics to help ensure that—regardless of the COVID-19 pandemic or the mode of instruction, children with disabilities receive a free appropriate public education (FAPE) in accordance with the Individuals with Disabilities Education Act (IDEA), and that infants and toddlers with disabilities and their families receive early intervention services.

"Serving all children and students with disabilities in our public schools isn’t just written into law – it’s a moral obligation and strong equitable practice. When we recognize and celebrate these differences as strengths, and when we help all children make progress toward challenging educational goals, everyone benefits," said U.S. Secretary of Education Miguel Cardona. "I’m proud that the Department is releasing these tools as part of the federal government’s important and necessary obligation to IDEA."

The Q&As document on Child Find Under Part B of the Individuals with Disabilities Education Act released with the letter is the first Q&A in the series and reaffirms the importance of appropriate implementation of IDEA’s child find obligations, which requires the identification, location and evaluation, of all children with disabilities in the states. An effective child find system is an ongoing part of each state’s responsibility to ensure that FAPE is made available to all eligible children with disabilities.
Other topic areas under IDEA include:

- meeting timelines;
- ensuring implementation of initial evaluation and reevaluation procedures;
- determining eligibility for special education and related services;
- providing the full array of special education and related services, that may include compensatory services, for students with disabilities to ensure they receive a FAPE; and
- delayed evaluations and early intervention services to infants and toddlers with disabilities and their families served under IDEA Part C.

"The pandemic didn’t alter IDEA’s guarantee of FAPE. This school year will be important for children, students, and educators,” said Katherine Neas, acting assistant secretary of OSERS. "These guidance documents are one more example of federal technical assistance available to help states ensure student success."

The announcement underscores the need for the Department to continue to provide support to states to ensure they have the information necessary to carry out these important requirements and to make good use of the additional American Rescue Plan (ARP) funds to ensure the full implementation of IDEA requirements.

In addition to the resources in the announcement, the Department released the Return To School Roadmap, which provides key resources and supports for students, parents, educators, and school communities to build excitement and confidence in returning to classrooms this school year. The Roadmap also outlines how federal funding can support the safe and sustained return to in-person learning and how ARP funds can be used to support these reopening efforts.

You can find all of these resources linked on the slide when available or on our website at education.ne.gov/sped

American Rescue Plan Federal IDEA Dollars

Nebraska has been awarded approximately $17 million dollars in American Rescue Plan (ARP) - IDEA, Part B (611) and (619) funds. These additional funds will be added to the district IDEA Consolidated Grant for the 2021-22 school year and available for districts to budget expenditure on August 10th. The districts will have 45 days to complete the applications for the additional IDEA ARP allocations.

Districts are encouraged to consider strategies and activities that are consistent with the Nebraska Department of Education’s Renewal and Acceleration Framework. Implementation of Nebraska’s Framework for School Renewal & Acceleration requires school districts and school systems to target resources to support FOUR CORE ACTIONS:

1. Anchor core instruction to high-quality instructional materials and content and move forward with appropriate supports and interventions.
2. Leverage and collect specific data to determine the level of support needed by all students, and in particular students who have been historically marginalized.
3. Assess and attend to whole child needs (e.g. mental health, nutritional needs, etc.) while integrating and aligning to academic acceleration.
4. Utilize community engagement and partnerships as strategies for maximizing every available resource.

Planning for effective uses of IDEA - ARP funds should be done within the broader context of schoolwide improvement initiatives that are designed to improve learning outcomes for all students. Let’s go back to the data we talked about in one of the earlier slides. In 2019, 75% of all Nebraska students with disabilities spent at least 80% or more of their time in a regular education classroom. Districts are encouraged to use IDEA funds in the context of their overall plans for systemic school improvement. In appropriate cases, they may coordinate the use of IDEA - ARP funds with funds from other sources (e.g., regular IDEA Part B allocation, ESEA, SFSF, and State and local) consistent with Federal program requirements in school wide initiatives to improve outcomes for all students, including students with disabilities. In other situations, Districts may use IDEA - ARP funds to exclusively support the unique special education and related services needs of students with disabilities in ways that complement the District’s overall school improvement activities. Prior to making decisions about how to spend ARP funds, Districts and schools should consider the views of a wide array of stakeholders, including general and special education, District and school leaders, as well as teachers, students, and families and review existing data, identify areas of greatest need, and focus on effective strategies that are consistent with their overall plan for improving student achievement effectively within 2-3 years.

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

- Priority Group 1 - No wait list
- Priority Group 2 - Order of Selection but is being cleared immediately
- Priority Group 3 - Order of Selection with approximately 390 individuals

- Lupe Stevens was hired to replace Brigid Griffin as Program Director for Transition. Lupe is an experienced VR Specialist who has been doing Transition and Pre-Employment Services work with students in central Nebraska.

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

- LB527 requiring transition planning to begin at age 14 rather than age 16 has had little to no impact to local VR teams yet. FTEs are available to hire additional staff once referrals start increasing for that age group.

- Nebraska VR received the RSA Disability Innovation Fund Grant and has chosen to call the grant the Career Pathway Advancement Project (CPAP) 2.0. The grant allows Nebraska VR clients closed successful in the years 2017-2019 in the high demand career pathways of Administrative Support, Construction, Healthcare Science Support and Therapeutic Services, Lodging, Manufacturing, Professional Sales, Restaurant & Food Beverage Service, and Transportation, Distribution and Logistics (TDL) to upskill.

- The study of rates and revisions to Nebraska VR’s Supported Employment Program is being conducted by Public Consulting Group (PCG) to ensure payment for service is aligned with costs. At the same time, VR will be making enhancements to the program aimed at improving the quality of the program, which will, in turn, increase the number of people who meet their employment goal and exit the VR supported employment program successfully.
A kick-off meeting is scheduled for 11/15/21. SE providers and other stakeholders—including various advocacy groups have been invited. Additional meetings will be held with providers to discuss submission of documentation of expenses. Additional opportunities to gather additional stakeholder feedback are also being considered. The study will culminate in recommendations for rate revision by 6/30/22, and implementation of new rates and program standards 10/1/22.

Future/upcoming Agency activities:

- VR is starting a pilot project with NTACT-C (National Technical Assistance Center on Transition: the Collaborative) and in partnership with a local school district in January that is focused on assessment for students with the most complex support needs.

- VR training for new DD Service Coordinators is being planned for January 2022.
Get Ready for the Nebraska VR Supported Employment Rate Study!

Nebraska Vocational Rehabilitation is beginning a rate study to revise supported employment service rates.

Background: This study will involve working with providers to determine overall program costs for supported employment services.

What we need from staff:
- Champion and support this effort with your staff
- Champion the effort with providers and be supportive of their concerns

WHAT IS A RATE STUDY?

This rate study is a transformative effort by the Nebraska VR agency to develop standardized rates for supported employment services based on data collection and analysis from SE providers. PCG will collect data from providers, conduct data analysis, and provide recommended rates for Nebraska VR to consider. These rates will help counselors and providers alike improve efficiency in their workflows around SE service authorizations.

WHY IS NEBRASKA VR CONDUCTING A RATE STUDY?

There are many reasons why a rate study for SE services is essential for the successful provision of these services. Some reasons include the following:

- Updated WIOA regulation interpretations
- Upgrades to current Supported Employment program processes
- Goal is to support increased successful and quality outcomes for Supported Employment
WHEN WILL IT HAPPEN?

Over the next several months Nebraska VR will be working with Public Consulting Group (PCG) to conduct a rate study for supported employment services. Below provides a tentative timeline of these activities.

WHAT CAN YOU EXPECT NEXT?

Nebraska VR and Public Consulting Group (PCG) will be reaching out to providers to discuss the rate study and begin conducting focus groups to obtain valuable feedback on supported employment services and needs, which will be used to refine the tools used by PCG to collect the rate study information.

Thank you in advance for supporting this very important project that will help Nebraska VR to achieve these important supported employment rates, essential not only for RSA compliance, but also for creating a more efficient and effective workflow for our staff.

Stay tuned for more information!
Representative: Nate Watson, Deputy Director

Agency: DHHS – Medicaid & Long-Term Care

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

Medicaid Expansion

The Heritage Health Adult Medicaid Expansion program has now been serving eligible Nebraskans for over a year. To be eligible for health coverage through this program, adults must be between the ages 19-64 and annually earn up to 138% of the federal poverty level, or about $17,000 per year for a single person. This coverage may be a new option to individuals with disabilities who were ineligible for Medicaid in the past. As of November 1, 2021, about 55,000 Nebraskans have been found eligible for coverage through Medicaid Expansion.

An important update since our last meeting is the change to a single benefit category for all expansion beneficiaries, which took place on October 1, 2021. This change happened automatically for everyone with coverage under expansion, and means that all Medicaid Expansion beneficiaries have full Medicaid benefits, including dental, vision, and over-the-counter medications.

Electronic Visit Verification (EVV)

Nebraska launched its EVV system at the beginning of 2021. EVV electronically captures and verifies Waiver and PAS provider visit information, which will help ensure Medicaid beneficiaries are getting the care they need and that provider claims are processed accurately.

Providers who provide Chore services should be advised of a change in billing codes that took place at the beginning of November. The Chore service has been separated into two separate services- Personal Care and Companion services. More details are available on the DHHS website: https://dhhs.ne.gov/Pages/Electronic-Visit-Verification.aspx

Medicaid Insurance for Workers with Disabilities

The changes to the Medicaid Insurance for Workers with Disabilities (MIWD) program, which includes two new eligibility groups, modifies standards for eligibility, and the lowers premium caps, went into effect on October 1, 2021.
The Medicaid program was able to successfully transfer current MIWD beneficiaries to the updated program, and MLTC continues to monitor the MIWD public website and resources to ensure the most up-to-date information is available.

More information about the program and the available resources can be found here: [https://dhhs.ne.gov/Pages/MIWD.aspx](https://dhhs.ne.gov/Pages/MIWD.aspx)

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

**Medical Care Advisory Committee**

Medicaid is re-launching the Medical Care Advisory Committee (MCAC) in fall 2021/winter 2022. Members of the committee can be Medicaid beneficiaries, advocates, and providers and serve on the committee to make recommendations to the Medicaid program. We are still seeking additional members to join the committee, particularly to represent Medicaid beneficiaries and their advocates. More details on the MCAC are on our website:

[https://dhhs.ne.gov/Pages/medicaid-and-long-term-care.aspx](https://dhhs.ne.gov/Pages/medicaid-and-long-term-care.aspx)

**COVID Update Calls for Providers**

Nebraska Medicaid invites providers or anyone interested to join us for regular calls with updates on how Medicaid continues to respond to COVID-19.

The next call will be held on Wednesday, December 1, at noon (Central). You can subscribe to our website to get notifications when details about the calls become available, like instructions on how to join the calls.

**Future/upcoming Agency activities:**

Please see above, which includes current and upcoming activities.
Representative:  Seamus Kelly/Eric Evans

Agency:  Disability Rights Nebraska

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

BSDC Monitoring:  Disability Rights Nebraska staff conducted monthly monitoring phone calls and reviewed general event reports, preliminary event reviews, and investigation reports from the Beatrice State Developmental Center (BSDC). During this quarter the resident census at the facility decreased from 92 individuals to 87 individuals. It was reported that many of the staff members who chose not to be vaccinated elected to leave their employment at BSDC, resulting in the facility being very short-staffed. However, all existing staff members are working together to the best of their abilities. In addition, the nursing staff is doing their best to fill in where they can and if needed. Staff members are also working overtime to ensure coverage. All staff members are required to wear masks while working at the facility. When tolerated, individuals are required to wear a mask. Individuals who are employed are required to wear a mask while they are working. The visitation policy changed to require that family visits are allowed by appointment only, and in two specific locations at the facility. Visitors must check-in at the reception desk and wear a mask during their entire visit.

Monitor settings were people with disabilities are segregated, isolated and congregated:
This summer our monitoring team began preparing for the imminent resumption of in-person monitoring and had created a list of priority targets with substantial research on each. However, the Delta variant of COVID-19 hit Nebraska very hard, filling hospitals with new cases and making it impossible to visit congregate facilities without posing a risk to our clients. Instead, our monitoring team continued using other routes to investigate conditions and provide macro level advocacy, including the following:

- Reviewed quarterly report of disciplinary actions taken by the state licensure entity against congregate facilities and comparing this information to the monitoring targets we have had ongoing concerns about in order to ensure future monitoring incorporates the newest concerns.

- Met with the office of the Nebraska Child Welfare Inspector General where we provided information about the results of our survey of vaccination policies in juvenile detention facilities and our advocacy that resulted in several facilities expanding vaccinations to those 12 years and older in accordance with new CDC
guidance. We used the opportunity to also discuss future collaboration between our agencies.

- Worked with Ombudsman for wider perspective on the state-run facilities they monitor in conjunction with us, including sharing concerns each agency had identified for consideration by our partner.

- Determined that while the state Department of Health and Human Services is monitoring vaccination rates of staff and residents in all DD waiver congregate facilities, the department’s Behavioral Health Division does not inquire or track vaccination rates in Assisted Living Facilities (ALFs) providing services for adults with mental illness.

- Conducted monitoring interviews of selected ALFs across the state to learn about vaccination rates of staff and residents. While this investigation revealed good news about the majority of residents’ vaccinations, disturbingly low vaccination numbers of some ALF staff was uncovered.

In addition to the traditional monitoring work outlined above, Disability Rights Nebraska staff continued their advocacy to ensure the state’s vaccination plan would reach people with disabilities living in congregate facilities as well as those living independently but without the ability to travel to a vaccination clinic. However, vaccination plans were shifted to the local health department level so rather than continuing our work with the state, we had to realign our investigation to survey all 23 public health departments across the state. We reviewed each department’s website and phoned each department to inquire about in-home vaccinations. We learned that less than half of the departments had a clear policy of bringing vaccinations to people’s homes, and five agencies actually were clear in refusing to offer that service. After the survey, we wrote to each public health department with an individually tailored letter, either praising their accommodation or requesting they re-evaluate their program and offer in-home vaccinations. Good news resulted—all but 3 very small rural departments agreed to expand their vaccination program at our urging, meaning 90% of Nebraskans live in a county with in-home vaccinations.

We continued our partnership with other organizations seeking to expand vaccine access by participating in a second meeting held by the Nebraska Department of Health and Human Services Office of Health Disparities and Health Equity in August. We also began creating clear, plain language materials designed to overcome vaccine hesitancy among Nebraskans with disabilities. Finally, the supplemental complaint we filed with the federal Department of Health and Human Services Office for Civil Rights regarding the state’s COVID-19 testing program continues to progress. In late September, the OCR investigator met with Disability Rights Nebraska to outline questions he had about the current status of the state’s program. This effort will continue through the next quarter.

Investigate and respond to allegations of abuse, neglect or exploitation: Despite the disruption in normal activities caused by the pandemic, Disability Rights Nebraska (DRNE) legal team
started with 12 carry over cases, closed 9 cases during the fiscal year and accepted 11 new cases for an active case total of 14 for at the end of the fiscal year. We were contacted to assist a 61-year-old woman with an intellectual disability and who had contracted COVID-19 virus and was in a hospital in Sioux City, Iowa. Her family and hospital staff made the decision she was a DNR (Do Not Resuscitate) but her provider indicated that she had expressed her wishes that she wanted to receive life sustaining measures. However, during the first few days of our collaborative advocacy with Disability Rights Iowa (DRI), she declined in health, was moved to the ICU and eventually intubated. She was removed from life supports and died on August 30, 2020. DRI and DRNE then changed this file to an investigation. Our investigation focused on the three following issues:

1. Whether MercyOne Siouxland followed Iowa law and their policies on life sustaining procedures and assessing issues of capacity;

2. Whether Elizabeth was denied a reasonable accommodation to have her provider NorthStar present in her hospital room; and

3. Whether any issues with crisis standards of care policies with regards in individual with intellectual disabilities.

Despite our initial concerns on whether MercyOne was discriminating against Elizabeth as a person with intellectual disability with regards to her decisional making capacity, the records bear out that she did have issues with decision making and received significant supports. There does not appear to have been a violation of Iowa law or the hospital's own policies here. The reasonable accommodation issue was resolved in a timely manner and no concerns were found in regards to discriminatory crisis standards of care.

Public policy activities to prevent abuse, neglect, exploitation and retaliation: We provided public comments at the quarterly meeting of the Special Education Advisory Council regarding the removal of the restraint and seclusion policy requirement in the Nebraska Department of Education’s re-write of Rule 10. Other advocates and DRN staff met to develop questions to raise in future communication with the Nebraska Department of Education and an alternative to potential student discipline legislation. We continue to monitor information on COVID-19 and disability and participate in regular stakeholder with the DDD Director Tony Green. We also continued to research Supported Decision Making, met with our consultant and held the initial meeting of the Steering Committee.

Investigate and respond to allegations of rights violations: We began the fiscal year with 10 carry-over cases, closed a total of 15 cases and ended the quarter with a total of 24 cases under this objective. We assisted an individual who experienced multiple violations of both the Individuals with Disabilities Education Act and the Americans with Disabilities Act. Our client is a high school student who was removed from her neighborhood school and placed in a new school after she experienced additional symptoms related to her disability. The change removed her from the peers she attended school with for years and clustered her with other students with disabilities. Further, she was not given services related to
her specific needs. We reviewed the records and are assisting with filing a complaint with the U.S. Department of Justice while representing the individual in an ongoing due process proceeding. Immediately following our initiation of that due process proceedings, we filed a motion for stay put, and a brief in support of that motion, as allowed under the IDEA. We succeeded on that motion, despite objections from the school, and achieved a major win for the student, who is now allowed to stay in her neighborhood school during the pendency of the due process procedure. This potentially means that the student will be able to finish out her senior year with the classmates and teachers she has spent the last 3 years with instead of having to attend school in a new, more restrictive and secluded environment. We will continue advocating for the individual and her family through legal proceedings.

**Advocacy to address the Olmstead Plan:** The Olmstead Advisory Committee met on September 23, 2021. The Technical Assistance Collaborative announced that several focus groups would be conducted virtually in October. The purpose of the focus groups was to obtain feedback from the community regarding the progress of implementation of the Olmstead Plan. Our concerns were again raised regarding the lack of commitment by the State to develop a plan based on data collected showing the existing need for community integration, i.e., how many people does Olmstead impact (the number of individuals), who are the people that Olmstead impacts (i.e., their disability, age, sex, and race/ethnicity), where are they living (location and type of facility), what services and supports would they need in order to live independently in community-based settings and what are the measurable steps the state needs to take and what resources does the state need to commit to implement the plan.

**Public policy activities to support the most integrated setting:** We participated in the public meeting on Medicaid Insurance for Workers with Disabilities hosted by the Nebraska Statewide Independent Living Council. We also worked with Easterseals Nebraska and the Arc of Nebraska to review and develop written comments on the new regulations for the Medicaid Insurance for Workers with Disabilities program. We submitted comments at the hearing on the new regulations, along with joint written comments with Easterseals and Arc. Staff have responded to multiple inquiries about sub-minimum wage, and provided information to a reporter for an article which appeared in the August edition of The Reader (newspaper in Omaha). We also updated our research on subminimum wage paid to Nebraskans with disabilities—specifically the number of 14c certificates in Nebraska. Finally, we provided testimony on LR 139 which was focused on employment of people with disabilities, MIWD program, and the subminimum wage issue.

**Inclusive Education Lay Advocacy:** Based on feedback from the May training cohort and from the skill training expert the Lay Advocacy curriculum was updated. A new training cohort was scheduled starting in September and, in an effort to recruit new participants, informational sessions were held in August. The Inclusive Education Lay Advocacy Coordinator reached out to representatives from the Court Appointed Special Advocates (CASA) program to encourage CASA volunteers to attend the training and improve their support to youth in the juvenile justice system. Three (3) advocates were recruited and began the Inclusive Education Lay Advocacy Project training which extends from September 14 through October 28. The cohort participants are from Omaha, Lincoln, and Palmyra. The training is being offered using the
online format as the rise in the community spread of the Delta Variant continues to make meeting on a face-to-face basis unwise. Plans for a hybrid training format are in the process of being developed and will start in the Spring of 2022. Four families were referred to the Inclusive Education Lay Advocacy Program during this period. Two families chose to take another route and two were referred to advocates. The funding proposal submitted to the Nebraska Developmental Disabilities Council was not funded.

**Protection and Advocacy for Voting Rights:** We hosted voter registration booth at this year’s annual “Disability Pride” event held in Lincoln. We distributed Get Out the Vote information and networked with sister agencies providing services to people with disabilities. We have completed the redesign of a new voter brochure and new poster that we are distributing this fall. We completed work on a video featuring a volunteer with the lived experience of using a wheelchair, showing how common ADA violations at polling places present barriers to her. We previewed the video in October at the annual county election officials where it was very positively received. We also received the good news that Hall County (which is the most populated rural county in the state) had reviewed the polling place accessibility concerns we’ve lifted up in the last year and had decided to provide funding to selected polling places for new automated doors. We have continued our partnership with the Secretary of State office in reviewing accessibility of polling places. The Secretary of State’s survey instrument was based on our materials and they accepted our feedback on creating the tool now being used by one dedicated state employee who is traveling to visit sites. The Secretary of State has also agreed to share the results of these surveys when completed. Finally, we continued our ongoing Get Out the Vote collaboration by maintaining our membership in the Nebraska Civic Engagement Table, which continues to hold regular meetings and trainings.

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

Our Supported Decision-Making Initiative, which resulted from the DD Network Partners Tri-Board Meeting, is firmly underway. We have had two meetings of the Steering Committee and just finished setting up the charter, agenda and date for the first meeting of the Nebraska Task Force on Supported Decision Making.

We will be continuing our effort to assess the physical accessibility in 25 selected counties (selected by both population size and by percentage of people of color) as well as voting website accessibility in all Nebraska counties. We are contracting with the Arc of Nebraska to conduct the physical accessibility component and a staff member from the Nebraska Commission for the Deaf and Hard of Hearing for the website accessibility component. We hope to use the findings of our own contractor, along with the reviews by the state, to produce a more comprehensive picture of accessibility across the state.
**Future/upcoming Agency activities:**

We have finalized COVID 19 related educational materials that will include contact information for each of the 23 public health departments since our survey and advocacy produced such comprehensive information about in-home vaccinations as an option. We intend to distribute this information to all intake inquiries, through social media channels, and through a mailing to congregate living facilities, healthcare and professional organizations, and other disability organizations.

We will be releasing the results of all the activities described above in the section on monitoring to state policy makers in a forthcoming report that follows up on our November 2020 report “A Widening Divide” showing the pandemic’s impact on people with disabilities.
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:

It’s been 6 months since my last report.

We’re up and running fully in the new building. In-person services are more the norm, with options for telehealth for those who need it due to health concerns or distance. Project Search, our employment training program, has remained on the UNMC campus and we will be moving from the old MMI building to a new classroom on campus end of the calendar year. Our Caring for Champions program which includes Vision and Dental care are up and running.

A few notable events since the last report. We hired a new Director of Research, Jennifer Blackford for MMI. We hired new Director of Education and Child Development, Jolene Johnson. Several new faculty have been hired in the integrated Center for Autism Spectrum Disorders and Severe Behavior program. We are negotiating with a potential new hire for Director of Occupational Therapy. We are in the midst of searching for new Director of Speech and new Director for the integrated Center for Autism Spectrum Disorders. We are searching for faculty in Psychology and behavioral technicians in our EI, Pediatric Feeding and Severe Behavior programs.

MMI was recently recognized as a National Organization for Rare Disorders (NORD) Rare Disease Center of Excellence. The MMI Department of Genetic Medicine, partnering with Children’s Hospital & Medical Center and Nebraska Medicine, joins a highly select group of 31 medical centers nationwide as part of an innovative network seeking to expand access and advance care and research for patients with rare diseases in the United States. The program is led by the National Organization for Rare Disorders (NORD), with a goal to foster knowledge-sharing between experts across the country, connect patients to appropriate specialists regardless of disease or geography and improve the pace of progress in rare disease diagnosis, treatment and research.
Current Agency activities/trends/improvements/issues impacting individuals with I/DD:

Led by Mark Smith we have grant from the Administration for Community Living (ACL) to increase Covid vaccination rates in the population of those with disabilities and their families and care providers. We are collaborating with the NE Council on Developmental Disabilities and Disability Rights Nebraska, our DD network partners, on social media targeting communities with lower vaccination rates, individuals with developmental disabilities, their families and direct service providers. We also have funding from the Aging and Disability Resource Center with the same goal and we’re using that funding to target communities where English is not the first language.

Led by Rachel Ray, we have recently started providing transition programming in contract with local school districts in the Omaha metropolitan area at MMI. We are utilizing space and resources at MMI for this purpose and have hired a new teacher and are seeking to hire additional staff. The goal is to develop model programming where we can provide training for providers and educators as well as opportunities for research.

Led by Sarah Swanson we are planning additional two years continuing collaboration with Children’s Hospital, United Way of the Midlands, UNL Center for Children, Families and the Law and others on developing Help Me Grow in Nebraska. Help Me Grow uses effective universal early screening to link expectant mothers and children 0-5 with essential health, developmental, and social-emotional services. It includes outreach to families and providers, including physicians, and a centralized point of communication using phone technologies, trained Care Coordinators, and a self-care referral platform which Early Child Care Educators and other health and human services professionals can use to better connect families to needed services. We recently hired an assistant project director, Brooke Martin, to lead this effort.

Future/upcoming Agency activities:

Melanie Davis, a second year UCEDD trainee, has just been appointed to serve as the Co-Chair (and eventually will transition into the Chair role) of the Persons with Disabilities subcommittee that was formed to provide support and networking opportunities for persons with disabilities across the UCEDD and LEND networks. The subcommittee is an arm of the larger AUCD Purposeful Inclusion of People with Disabilities Workgroup.

Anne Woodruff Jameson PT submitted a grant for Autism Intervention Research – Physical Health (AIR-P) on Increasing Routine Cervical Cancer Screening for Women with Autism

Rachel Ray submitted a grant to the Mitsubishi Foundation to expand our transition programming with school districts

UCEDD 5 year grant application will be due this year for MMI, likely early in the new calendar year.