

Nebraska Council on Developmental Disabilities

February 7, 2025 at 9:30AM, CST

Hybrid Meeting

In-Person at the Nebraska State Office Building
Lower-Level Goldenrod 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 9:30AM, CST and the *Pledge of Allegiance* was recited. Quorum was present.

Present (In-Person): Quinton Corwin, Jason Gieschen, Shauna Graham, Tony Green, George Griffith, Brent Hoffman, Dr. Tom Janousek, Matt Kaslon, Eddie Kraska, Beth Libra, DJ Plautz, Sasha Reeks, Jennifer Severe-Oforah, Rachel Siffring, and Joe Valenti.

Present (Virtual): Shaistha Karipi, Seamus Kelly, Cheryl Montgomery and Judy Trent.

Absent: Caiti Donaldson, Ashley Hansen, Stephen Morton, Amy Rhone, and Mark Shriver.

Guests (In-Person): Tania Diaz, Christopher Chambers, Sue Gieschen, Robin Hoffman, Candi Kraska, Diana Meadors, Stacy Pfeifer, and Dawn Sybrant.

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

Welcome and Declaration of Conflicts of Interest

Rachel Siffring welcomed everyone to the February 7, 2025 quarterly Council meeting.

Kristen Larsen explained that the Governor has not appointed new Council members to the Council. So, until the new appointments have been made, Jason Gieschen and Stephen Morton are still acting members of the Council. Dawn Sybrant is in the process of being appointed as the Medicaid and Long-Term Care and Aging representative to the Council and reappointments of Caiti Donaldson and Shauna Graham have not been made.

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 15, 2025).

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.

Sasha Reeks, DD Council member, requested time to give public comments. A copy of her comments is attached to the end of the meeting minutes.

Approval of Minutes

Rachel S. asked the Council members if there were any corrections to the *DRAFT* November 22, 2024 Council meeting minutes. Under Declaration of Conflicts of Interest, Beth Libra was incorrectly listed as Beth Libra Plisek instead of Beth Libra. Council members were reminded to abstain from voting if they were not in attendance for the November 22, 2025 Council meeting. Joe Valenti made the motion to approve the minutes as corrected and Jason Gieschen seconded.

A roll call vote was taken: **Yes – 12, No – 0, Abstain – 6.*** 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
Tony Green	Department of Health and Human Services – Division of Developmental Disabilities, Munroe-Meyer Institute Advisory Council
George Griffith	Humboldt Table Rock Steiner Public School District, Humboldt Chamber of Commerce, Humboldt Shares
Eddie Kraska	Ollie Webb Center, Special Olympics
Beth Libra	The Arc of Norfolk, Northeast Nebraska Diversity Council, Disability Rights Nebraska, Hands of Heartland, Norfolk Area Buddy Baseball
Cheryl Montgomery	Northstar Services, Nebraska Association of People Supporting Employment, Nebraska Association of Community Professionals Holy Cow! What Now?, Nebraska Association of Service Providers

The following Council member updated her conflicts of interest.

Shaistha Kiran Karipi Department of Education

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 reviewed the Financial Report for Federal Fiscal Year (FFY) 2025, a handout at the meeting. At the August 16, 2024 Council meeting, the Council approved the budget of \$443,664 for FFY2025 (October 1, 2024 to September 30, 2025). The Year-to-Date Expenditures for the first quarter of FFY2025 (October 1, 2024 to December 31, 2024) were \$95,089 – 21.4% of the FFY2025 budget.

NOTE: At the November 22, 2024 meeting, the Council approved to increase the Munro-Meyer Institute (MMI) Needs Assessment contract to \$43,161. However, Kristen did not make changes to the overall budget at this time, as the Council hopes to save the \$13,161 in travel funds.

The report reflects the balance of funds from FFY2023, FFY2024, and partial award of FFY2025 as of December 31, 2024. Available Current Funds totaled \$463,038.60. Expenditures (obligations) totaled \$406,020.08. Balance of Current Funds Available was \$57,018.52.

NOTE: Kristen expects that the Council will receive flat funding for FFY2025. (The same amount as last year.)

NOTE: The Financial Forecast for FFY2024 shows a negative balance. It is possible that some subaward projects will not spend all their obligated amounts. Also, the FFY2024 obligations include the two-year subaward with People First of Nebraska (PFN). We anticipate PFN will only spend \$60,000 in year one. Thereby decreasing the negative balance.

Late Notices of Awards Affecting Obligation of Funding

The Council received its first partial Notice of Award (NoA) for FFY2025 on October 25, 2024, for \$116,788. When Congress authorizes partial funding in Continual Resolutions (CRs), then DD Councils receive their annual awards in partial payments throughout the year. Congress approved a second CR to fund the government through March 14, 2024. The Council received its second NoA on January 15, 2025 for \$121,104. Council staff were not able to finalize the Home and Community-Based Services (HCBS) Training with MMI until the Council received the second NoA, since the Council had already obligated the \$116,788.

Another challenge with on-goings CRs is that all FFY2025 funds are supposed to be obligated by September 30, 2026, with work completed by September 30, 2026. iTACC knows that Councils are concerned about the need to obligate FFY2025 money. Our clock started October 1, 2024, despite not having all the funds. Sheryl Matney, Director of iTACC reminded us that we always have the option to request a No-Cost Extension opportunity at the end of that second year. The fact that we have CRs is a justifiable reason to ask for a No-Cost Extension. Granted, Councils still need to get the money obligated by September 30, 2026, but a No-Cost Extension means Councils can do the work in that third year.

NOTE: Since the Council meeting, Council staff have determined that a temporary stop needs to be placed on the HCBS Training subaward with MMI to ensure that there are enough funds to pay Council staff should federal funding be paused or delayed.

Dr. Mill's Year 2 Final Report

Dr. Lisa Mills submitted the final report for her second contract with NCDD, titled *An Essential Priority – Changing the Way Nebraska Does Supported Employment*. This brief report summarizes the work accomplished during the contract period (July 3, 2023 through November 15, 2024) and was included as a handout in the meeting packet.

Dr. Mills expressed her appreciation for the opportunity to collaborate with Nebraska on improving Competitive Integrated Employment (CIE) outcomes for individuals with I/DD, and by extension, those who use behavioral health services. She noted that significant progress has been made in uniting partners around this goal since she began her work with Nebraska in mid-2021.

She emphasized the importance of maintaining momentum and focus now that a detailed Supported Employment Summit Action Plan has been developed. The plan can be adjusted, but keeping the focus on the plan and moving things forward is critical - despite everyone getting pulled in multiple directions, which is a permanent reality in this field and in all states. If we wait for a time when people are not pulled in multiple directions or do not have competing priorities, that time will never come. Success will come from keeping this initiative a high priority and committing to it for at least a decade to implement and solidify changes that will lead to positive outcomes and stand the test of time.

Dr. Mills also highlighted the importance of having a dedicated point person to oversee ongoing efforts, as outlined in the final report's conclusion. The dedicated point person is Becki Koehler and thanks to temporary funding provided by Disability Rights Nebraska, Becki was allowed to be involved with these efforts prior to the commencement of a contract with the Council. The Council's contract with Becki will support this work through September 2025.

Kristen explained that Becki has been meeting with multiple partners on a regular basis and things are moving quite well. She has created an abbreviated Supported Employment Summit Action Plan which helps everyone to stay out of the weeds and focus on what needs to be done. This is challenging work but the collaboration amongst the partners is appreciated.

Heartland Equine Therapeutic Riding Academy (HETRA) Year 2 Continuation

Council members were reminded 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.

Rachel Ward presented year two of HETRA's continuation subaward *Life Skills Program* proposal. The proposal would begin April 1, 2025 and run through March 31, 2026. The total funding requested by HETRA is \$19,972.67. Rachel W. explained that the project was very family oriented and would allow more people to participate in the academy. Jason made the motion to approve funding HETRA for a second year in the amount of \$19,972.67 and Matt Kaslon seconded.

A roll call vote was taken: **Yes – 12, No – 0, Abstain – 6.*** Motion carried.

Conference Request

Beth Libra presented a request for funds to attend the 9th Annual Charting the LifeCourse Showcase on April 30 and May 1, 2025 in Kansas City, Missouri. Beth and Rachel W. submitted a presentation proposal that was approved, so they will be representing Nebraska in a break-out session. Beth is requesting funds not to exceed \$1,000 to cover conference expenses (registration, hotel room, mileage, parking, and meals). George Griffith made the motion to approve funding not to exceed \$1,000 and Quinton Corwin seconded.

A roll call vote was taken: **Yes – 17, No – 0, Abstain – 1.*** 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.

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

Quinton Corwin, L&A Committee Chair, reported that 715 Legislative Bills (LBs) and several Legislative Resolutions (LRs) were introduced this session and Council staff 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 22, 2024 Council the Council discussed, voted, and approved that Council staff could take positions on proposed legislative bills with hearings up to and including February 7, 2025, 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 nine bills that had hearings scheduled up to and including February 7, 2025.

***LB10** (Senator Hughes) – Change requirements relating to wholesale drug distributors and dispensing of certain prescription drugs Support with letter.

***LB27** (Senator Ballard) – Change provisions of the Rural Health Systems and Professional Incentive Act. Support with letter.

***LB42** (Senator Riepe) – Provide for employment of nurse aides in intellectual and developmental disability facilities. Support with letter.

***LB46** (Senator McKinney) – Establish a Restaurant Meals Program under the Supplemental Nutrition Assistance Program. Support with letter.

***LB83** (Senator Rountree) – Adopt the Dentist and Dental Hygienist Compact. Support with letter.

***LB104** (Senator Raybould) – Adopt the Family Home Visitation Act. Support with letter.

***LB352** (Senator Ballard) – Change provisions relating to reports on student achievement and discipline required under the Quality Education Accountability Act. Support with letter.

***LB391** (Senator Murman) – Adopt the Give to Enable Scholarship Act and provide for certain income tax adjustments. Support with letter.

***LB592** (Senator Ballard) – Change provisions relating to the achieving a better life experience program. Support with letter.

The hybrid L&A Committee meeting (in-person and virtual) was held on Thursday – February 6, 2025 to review relevant legislative bills and legislative resolutions. The L&A Committee was comprised of Council members and non-Council members. Quinton presented the Committee recommendations on the proposed legislative bills and legislative resolution and a block vote was conducted.

LB54 (Senator Dorn) – State intent regarding appropriations for providers of developmental disability services. Track/Monitor.

LB57 (Senator Dorn) – State intent regarding appropriations for medicaid assisted-living facilities. Do nothing.

LB66 (Senator DeBoer) – Adopt the Uniform Health-Care Decisions Act. Track/Monitor.

LB146 (Senator Ibach) – State intent regarding appropriations for dental services under the Medical Assistance Act. Support with letter.

LB149 (Senator Hansen) – Eliminate the prohibition on suspending a student in prekindergarten through second grade. Oppose with testimony.

LB188 (Senator Dover) – State intent to appropriate for medicaid nursing facility rates. Do nothing.

LB220 (Senator M. Cavanaugh) – Provide for developmental and intellectual disability impact notes for legislation. Support with letter.

LB239 (Senator M. Cavanaugh) – Change requirements relating to developmental disabilities funding priorities and eliminate a sunset date. Support with testimony.

LB253 (Senator Bostar) – Provide for insurance and medicaid coverage of biomarker testing. Track/Monitor.

LB268 (Senator Rountree) – Require the Department of Health and Human Services to implement a provider rate increase for developmental disability services. Support with testimony.

LB284 (Senator Guereca) – Appropriate funds to the Department of Health and Human Services. Support with letter.

LB336 (Senator Conrad) – Create the Task Force on Supported Employment. Support with testimony.

LB363 (Senator Ibach) – Adopt the Apprenticeship Grant Act. Track/Monitor.

LB408 (Senator Dungan) – Adopt the Special Education Teacher Forgivable Loan Program Act. Support with letter.

LB430 (Senator Murman) – Provide an additional exception to the prohibition on suspending a student in prekindergarten through second grade and change provisions relating to short-term and long-term suspension under the Student Discipline Act. Oppose with testimony.

LB453 (Senator DeBoer) – Change requirements for background checks for guardians and conservators. Support with letter.

LB486 (Senator Quick) – Require the Department of Health and Human Services to implement standards for reimbursement for certain service providers. Support with letter.

LB524 (Senator Juarez) – Authorize paraeducator grants under the Nebraska Teacher Recruitment and Retention Act and change eligible uses of the Education Future Fund. Support with letter.

LB535 (Senator Kauth) – Prohibit assault on a frontline behavioral health provider or health care worker and clarify provisions relating to assault on officers, emergency responders, certain employees, and health care professionals. Track/Monitor.

LB541 (Senator Holdcroft) – Eliminate online voter registration, restrict voter registration by mail, require grounds for early voting, require hand counts of ballots, and change provisions relating to voter registration and voting. Oppose with letter.

LB565 (Senator Quick) – Provide and change requirements relating to agency guidance documents. Support with Letter.

LB589 (Senator Conrad) – Change provisions relating to reimbursement for special education programs and support services and require school districts to provide special education staff with professional leave. Support with letter.

LB653 (Senator Murman) – Change provisions relating to reimbursement for special education programs, support services, and the enrollment option program, provide reimbursement for certain students under the enrollment option program, and change the authorized uses of the Education Future Fund. Support with letter.

LB664 (Senator Storer) – Change the Administrative Procedure Act to require agencies to allow for public comment and submissions on proposed rules and regulations and change permissible venue for civil actions challenging rules and regulations. Support with letter.

A roll call vote was taken: **Yes – 11, No – 0, Abstain – 6.*** 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 private citizens either by a letter or testimony.

The L&A Committee also discussed the national concern that there is the potential for significant cuts to Medicaid. A meeting was held with some of the developmental disabilities' community and advocacy groups to discuss how to educate and inform our national policymakers about the need for Medicaid and that a block grant would significantly cut the federal match to our state to support home and community-based services. Council staff would like approval to sign on to the state letter that says we want people to be aware of the potential for significant cuts to Medicaid and we are very concerned. Council staff would also like to write letters to the editor to do some more education and staff would like to have the flexibility to meet with our federal partners. Matt made the motion to allow Council staff to sign on to the Medicaid letter, write letters to the editor, and to have the flexibility to meet with our federal partners and Quinton seconded.

A roll call vote was taken: **Yes – 12, No – 0, Abstain – 3.*** Motion carried. [Dr. Tom Janousek, Shaistha Kiran, and Beth Libra stepped away from the meeting.]

Nebraska Association of Service Professionals (NASP) Innovation Generation Conference; Governor's Developmental Disabilities Awareness Month Proclamation; and The Arc of Nebraska's 55th Annual Senatorial Dinner

NASP is partnering with The Arc of Nebraska to provide two full days of events on March 24 and 25, 2025. NASP's conference provides a service provider focus on Monday – March 24th. On Tuesday – March 25th, NASP's sessions are geared towards self-advocates and family members.

NOTE: If you are interested in attending day two of the NASP Conference, please let Nikki know at either 402-471-2330 or nikki.krause@nebraska.gov and she will get you registered.

The Council is helping coordinate Governor Pillen's Developmental Disability Awareness Month proclamation at the NASP conference on the afternoon of March 25th at the Lincoln Marriott Cornhusker Hotel.

The Arc of Nebraska's 55th Annual Senatorial Dinner will be the evening of March 25th. Folks are encouraged to attend the NASP conference prior to the dinner. The Council is unable to cover the cost of the Senatorial Dinner as that is an unallowable expense. There is a separate registration for the dinner. To register, you will need to visit The Arc of Nebraska's website at https://www.arc-nebraska.org/senatorial_dinner_2025.

Beth mentioned that there will be an art auction during the social hour between the conference and the Senatorial Dinner on March 25th. All of the art pieces that will be auctioned were created by people with I/DD.

The Council provided Collaboration Funds to NASP to pay for the keynote speaker. Additionally Beth and Rachel W. will give their presentation on *Person-Centered Planning Across the Lifespan* on day two of the conference.

2027-2032 Five Year State Plan Development

Council staff and Chair are recruiting non-Council members to serve on the Planning Committee. The Planning Committee Five Year State Plan Development launch meeting will be on Monday – March 3, 2025 and the Planning Committee will meet again on Thursday – April 10, 2025. Both meetings will be hybrid meetings, with in-person attendance encouraged at the Nebraska State Office Building in Lincoln, Lower Level Goldenrod Conference Room. The Council will be working with MMI contractor, Dr. Kerry Miller, to develop the Needs Assessment questions and focus areas to collect data over the summer. The Needs Assessment will be published in October 2025 and will guide the Planning Committee with setting State Plan Goals and Objectives to share at the November 21, 2025 meeting. Judy Trent is the Planning Committee Chairperson.

2025 Tri-Board Meeting Update

The Tri-Board consists of the DD Network Partners (the DD Council, Disability Rights Nebraska, and Munroe-Meyer Institute (MMI)/University of Nebraska Medical Center (UNMC)). The 2025 Tri-Board meeting will be on Friday – June 13, 2025. The topic will be *Effective Advocacy to Improve Home and Community-Based Services (HCBS)*. Jill Jacobs, the Executive Director for the National Association of Councils on Developmental Disabilities, will be the keynote speaker. There will also be a policy table with representatives from the DD Network Partners. The meeting will be at the MMI facility located near the UNO Scott Campus at 6902 Pine Street. More information and details will be shared at the April Council meeting.

NOTE: If you are interested in attending the Tri-Board meeting, please let Nikki know at either 402-471-2330 or nikki.krause@nebraska.gov and she will get you registered.

End of the Waitlist Update

Tony Green, Division of Developmental Disabilities Director, provided an update on the *End of the Waitlist* and other policy changes.

NOTE: A copy of Director Green's presentation is attached to the end of the minutes.

Charting the LifeCourse (CtLC) Ambassador Training and Nebraska CtLC Ambassador Workgroup Update

Rachel W. mentioned that there will be a second round of CtLC Ambassador Training in FFY2025. 45 new Ambassadors will be trained in three cohorts. The first two cohorts will be geared towards Service Coordinators and other departmental staff. The third cohort will be open to providers and families.

In January 2025, the first Nebraska CtLC Ambassador Workgroup meeting was held. Discussion focused on what was going on with CtLC and what needs to be done. The workgroup is a means to encourage and motivate the Ambassadors

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. [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; Dawn Sybrant represented Medicaid and Long-Term Care and Aging]

Division of Developmental Disabilities (DDD)

Director Green mentioned that a large portion of the DDD report was covered during his *End of the Waitlist Update*. The Division continues to work closely with Myers and Stauffer LC to implement the interRAI Functional Needs Assessment. DDD staff conducted concurrent assessments, which included administering the Developmental Index (DI), the ICAP, and an interRai tool (selected based on the participant's age). Myers and Stauffer is reviewing and analyzing the data to evaluate whether the interRAI and ChYMH-DD tools could serve as suitable replacements and determine the relationship between the scores produced by each tool.

Division of Behavioral Health (DBH)

Diana Meadors provided the report for DBH. Dr. Tom was appointed as the Director of Behavioral Health. DBH is working on establishing a Serious Mental Illness Coordination 1915(i) Waiver. This would work similarly to some of the services in the DD Waiver – supported living, supported employment, transitional supports, therapeutic rehab, and targeted case management. The waiver has been submitted, but DBH has not heard back on the submittal. Certified Community Behavioral Health Clinics (CCBHC) are one-stop-shop clinic models designed to ensure access to coordinated comprehensive behavioral health care. Seven initial sites have been selected and they still in the early stages.

Some of the end of year accomplishments for the Division of Behavioral Health include:

- In FY24, DBH served 23,166 individuals.
- 988 received over 28,500 contacts in FY24, with only 326 mobile crisis response activations.
- Over 16,300 Naloxone Kits were distributed, free of charge, in FY24.

For a full list of end of year accomplishments, please see the DBH report.

Nebraska Vocational Rehabilitation (VR)

VR completed initial audits of 22 supported employment providers. VR and DHHS are currently working on updating their joint memorandum of understanding. VR has been collaborating with Becki Koehler and agency partners as a result of the Dr. Mills study and subsequent action plan. VR and Assistive Technology Partnership (ATP) are actively engaged in the Olmstead Advisory Committee. VR and VRTAC-QE will be offering additional training opportunities that will complement the recent trainings offered through NEON. These trainings are expected to be scheduled for August.

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

Christopher Chambers, Special Education School Age Support Specialist, provided the NDE-OSE update in Amy Rhone's absence. On January 30, 2025 Superintendents and Special Education Directors received an email from the OSE about the 2025 Indicator 13 letters and where to access them. Indicator 13 focuses on Transition planning for students with disabilities as they prepare for life after school. Indicator 13 measures the percentage of youth ages 16+ who have measurable Individual Education Plan (IEP) goals related to transition, updated annually, and appropriate services.

The Office of Special Education submitted the Nebraska – Part B (school age) Special Education and Part C (Birth to age 3) Early Intervention State Performance Plan – Annual Performance Reports on January 30, 2025 for FFY2023.

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

Jennifer Severe-Oforah explained that they are following LB310 which provides for an exemption to the mandated newborn screening if a parent or guardian objects. 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. This screening process is currently mandatory in Nebraska. The mandate for newborn screening is driven by various factors, including the imperative for early intervention. 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. Prevention is a goal of Public Health.

The Maternal and Child Health Block Grant/Title V will conclude the stakeholder portion of the 2025 Needs Assessment on April 9, 2025. Participants are currently writing Issue Briefs with the population domain workgroups. The Children and Youth with Special Health Care Needs (CYSHCN) committee have identified: 1) Early screening and diagnosis and 2) Accessing mental and behavioral health services as two potential priorities for the CYSHCN population.

Medicaid and Long-Term Care

Medicaid is working to establish the new Beneficiary Advisory Council (BAC) which was required by the "Access Rule" published in 2024 by Centers for Medicare and Medicaid Services (CMS). The BAC is a group established to engage stakeholders in transformational community engagement, where members with lived experience of the Medicaid program can advise the Agency and recommend changes that are needed to help improve member experiences and outcomes. Anyone interested in participating in this group can reach out to the following email: dhhs.mcac@nebraska.gov.

DHHS is dedicated to ensuring that providers and customers experience a smooth transition with the implementation of the Electronic Visit Verification (EVV) system changes. The new implementation date will be February 19, 2025.

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. Mark Shriver was absent and not able to present his report. [Seamus Kelly, Disability Rights Nebraska; Mark Shriver, Munroe-Meyer Institute]

Disability Rights Nebraska

Disability Rights Nebraska staff met with the Director of Special Education Amy Rhone to discuss gaps in state-level data on restraint and seclusion. Also discussed were areas where the Department and Disability Rights Nebraska could collaborate in the future. Six more advocates were trained in the Inclusive Education Lay Advocacy program between September and October 2024, for a total of 51 advocates trained since the program's first session in 2019. 14 families were referred to Inclusive Education Lay Advocacy in the last months of 2024. Disability Rights Nebraska submitted comments to the Federal Department of Labor on their proposed rule to phase out the subminimum wage program at the federal level. Disability Rights Nebraska's Board meeting will be held tomorrow.

Council Chair and Staff Updates

Rachel S. is working with Sue Medinger, DSA representative, on the CY2024 NE DD Council Executive Director Annual Performance Evaluation for Kristen. Rachel S. also expressed her thanks to Quinton and the L&A Committee.

Kristen had a few updates to share.

- The Program Performance Report (PPR) for 2024 is now due on March 28, 2025.
- DD Councils (as are UCEDDs & P&As) are a line item for the federal freeze. No one knows what will happen.

Rachel W. noted that Disability Pride Day is July 26, 2025 at Antelope Park from 9:00AM, CDT to 1:00 PM, CDT. 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 Final Reports from Disability Rights Nebraska and B Kessler included in your meeting packet for you to review.

There is also a Leadership Development Fund Conference Report Summary, included in the meeting packet, for Jennifer Stuhmer who attended The Arc of the United States National Conference.

Council Member Updates

Matt was involved with the National Association of Councils on Developmental Disabilities' (NACDD) Lived Experience Group. He also sat in on NACDD's Bi-Weekly Network Call, where Executive Directors, Council Staff, and Executive Director Jill Jacobs participate, and they discussed the threat to Medicaid.

Brent has been bowling and swimming. He placed 6th in District bowling.

Eddie is acting. He is Uncle Henry in the upcoming show of Wizard of Oz.

Shauna is having anxiety with the current administration and how it will impact Bailey. Bailey goes half days at school now.

Beth is the guardian for two individuals. The Arc of Norfolk started planning for Disability Pride. She is part of the planning and rollout of Norfolk Area Buddy Baseball. 125 players have signed up. Since November 2024, she has given 20 talks on person-centered planning and supported decision making across the state to various groups. Ellie, along with 17 other graduates, will graduate from the 18 to 21 Program in Norfolk Public Schools on May 14, 2025. Ellie just turned 21 and to celebrate, they went on a cruise. Beth is no longer working for the League of Human Dignity, but for Hands of Heartland.

Reeks has been information gathering and listening to other people and their stories. Earlier in the meeting Reeks had asked about the Narcan distribution because she was one of the first responders that got Narcan and then had to use it in October.

Jason said that this may or may not be his last meeting, but the groundhog saw his shadow. That means there are six more weeks of winter, so he gave everyone at the in-person site chapstick to remember him by.

Shaistha Karipi mentioned she has a new job. She has a high-level needs daughter who participated in show choir. This was the first time that her daughter was included in something.

Rachel S. mentioned that Braxton is on the Youth Activation Committee, a new leadership committee, to promote Special Olympics. Tomorrow she is helping with the Omaha Polar Plunge. Next Saturday, Braxton is participating in the Lincoln Polar Plunge and is leading the way for fundraising. In March 2025, there will be a Youth Summit to teach about unified inclusion programs in schools. Rachel S., Braxton, and the Speech teacher will be presenting. Braxton placed 4th in unified bowling.

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. 9th Street, Suite 137 Lincoln, NE
Enable is going to have multi-factor authentication added to their website for added security on accounts. This will go live on February 23, 2025. She has been working on entity software that will help entities manage multiple accounts. This should launch the end of March 2025. The annual limit went up to \$19,000 per year in January 2025 from all sources that can go into ABLE accounts.

On the national level, the Enable bill is supposed to be introduced on February 12, 2025 to get rid of the sunset on ABLE to Work Provisions.

The One Coalition is hosting a Valentine's Day Dance tonight at St. Mark's Methodist Church for adults and highschoolers with special needs.

Adjourn

Matt motioned to adjourn the meeting and Beth seconded. The meeting adjourned at 3:07PM, CST.

The next Council meeting is scheduled for April 11, 2025 and will be in-person. The Council meeting will be held at the Country Inn & Suites [North Hotel & Conference Center] – Lincoln, 5353 N. 27th Street. The Planning Committee meetings will be March 3, 2025 and April 10, 2025

and will be hybrid (in-person and virtually). The Planning Committee meetings will be held at the Nebraska State Office Building – Lincoln, 301 Centennial Mall South.

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.

DRAFT

02.07.2025 public comment

In response to the recent remarks from the White House, concerning the employment of qualified individuals with disabilities, I feel compelled to express my concerns as a disability advocate within our local community, who has also experienced discrimination in my workplace.

I experienced developmental delays very young in life and was diagnosed early. I grew up in a military and law enforcement family. My family instilled in me from a young age that the world may reject my disability. They emphasized that I would need to put in extra effort in areas where others might find things easier, and that I shouldn't expect any additional assistance. Unlike many other children with similar challenges, I didn't receive extra support at school, nor was I placed in special classes, as that was not in line with my family's beliefs.

This mindset played a significant role in my success, and instilled a strong work ethic that has contributed to my educational and professional achievements as an adult, though they have not been earned without an uphill battle. Conversely, it also made it difficult for me to seek assistance when I truly needed it. I also felt quite different from my peers, and as a child, all I wanted was to fit in. Being diagnosed with a variation in brain development made that particularly hard. Nowadays, there's a positive term for it—neurodivergent—which highlights that a brain can function differently rather than defectively, but that understanding wasn't the case when I was a child.

Reflecting on my own childhood experiences of being marginalized for my differences, I recognize similar struggles faced by many Autistic and disabled adults. Often, this unkindness isn't intentional; people may not consciously choose to act in a certain way. However, research indicates that individuals with Autism often receive lower likeability ratings, suggesting that their unique social interactions and non-conformity can make those outside their group feel uncomfortable. This underscores the urgent need for

advocacy and education to mitigate this bias. This is precisely why councils and advisory boards like this one hold such significance.

This is also why it is essential for the members of this council to leverage the outcomes of our federal funding, and show why it is so crucial. Outcomes such as Dr. Lisa Mills' study, on the hiring of individuals with intellectual and developmental disabilities. This should not merely be used as a tool for initiatives aimed at demonstrating the advantages of hiring those with intellectual and developmental disabilities but prioritizing it.

Recently the U.S. Department of Justice sent a letter to the State of Nebraska and Governor Jim Pillen titled "The United States' Investigation of Nebraska's Behavioral Health Service System under Title II of the Americans with Disabilities Act"

On page 8 it states "Even people with the highest needs can find and keep jobs in typical workplaces. Providers have success stories of people with histories of mental health crisis and hospitalizations who went on to have great careers with supported employment services."

There is a wealth of research indicating that society greatly benefits from having neurodivergent individuals in the workplace and various community settings, as they often provide solutions to problems that others may find challenging. They are true innovators. I urge the members of this council to educate the public and lawmakers more on the benefits of hiring individuals with IDD/DD in our community for these reasons. Don't merely sit on the sidelines while federal funding is cut.

Here is how this personally impacts someone with an intellectual disability. When an individual experiences a lifetime of differential treatment or outright exclusion, as I have and many other people with disabilities do, it can feel like dying slowly from a million tiny cuts. Each incident inflicts another wound, and every misunderstanding adds to the pain. Recently, I encountered a deep cut that echoed the recent statements from the

White House. I lost my job after requesting ADA accommodations. This experience fosters a deep capacity for forgiveness while simultaneously igniting a profound sense of anger.

I excelled at my job as a Behavioral Health Caseworker working for the Nebraska Department of Correctional Services and while working in a correctional facility presents unique challenges, my life experiences prepared me to navigate difficult situations. Life can be tough for everyone, and we all face obstacles that often lead to personal growth. However, the nature of working in a prison is particularly demanding. It often requires working night shifts, weekends, and holidays, which can result in missing significant family moments, such as birthdays and anniversaries. Research indicates that correctional workers have a life expectancy that is, on average, 20 years shorter than that of the general population, with increased risks of heart disease, diabetes, obesity, and suicide. Typically, one may find themselves alone in a room with up to 64 inmates, armed only with a radio. There are instances when a colleague may call for help during an inmate altercation, or you might find yourself in the position of needing to request urgent assistance while managing an inmate's demands. There are times when you may search a cell unarmed and come across hidden weapons or drugs. You might need to administer CPR to inmates who have overdosed, putting yourself at risk of exposure to dangerous substances, or respond to situations involving attempted suicides, which may require you to safely cut down a noose or remove inmates from cells on fire. Inmates can exhibit unpredictable behavior, sometimes throwing bodily fluids or covering themselves in them. I faced all these challenges and more without complaint because it was my duty, and I truly loved my job! It provided me with a profound sense of purpose.

I accepted the job at NDCS due to my confidence in my qualifications. I worked in high-security units with inmates that had disabilities and SMIs. I knew by disclosing my disability I may blur the invisible and unspoken line that NDCS had created of what they believed inmates should be like and what they believed employees should be like. However, when I decided to disclose my disability to NDCS to ask for accommodations

they did not even attempt to provide them. Instead, I faced immediate disciplinary measures, which revealed their stigma and lack of training or education. This experience was a profound realization for me.

NDCS treated me differently than others. For instance, they entered my home, influenced by the stigma associated with my disclosed disability. After a medical emergency linked to my condition, I was penalized for not notifying work before my shift, despite being unable to do so at the time. I did manage to call later that day and provided medical documentation to support my situation. It took me over five months to grieve and appeal this disciplinary action, and win. The unauthorized entry into my home left me feeling unsettled, prompting me to seek more frequent consultations with my healthcare providers to ensure my well-being, given the breach of my safety. I requested accommodations to facilitate this, but my requests were again denied, shortly after another request was made I was terminated without notice. When they did this they told me that because I asked for accommodations and NDCS felt they could not give them to me they concluded that I could no longer perform my job, which I had successfully held for the past 2.5 years. This termination occurred immediately and constituted a violation of my collective bargaining agreement, as well as my due process rights under the 14th Amendment of the United States Constitution and the 1st Article of the Nebraska Constitution.

I have unfortunately lost all my benefits, including the crucial health insurance that I relied on. This situation is profoundly distressing, especially after dedicating several years to my role, receiving positive performance evaluations, being valued by my colleagues, and earning commendable performance awards. This experience stands in stark contrast to the assertion that I was unable to fulfill my responsibilities, as I was indeed performing them effectively. Compounding my distress was my prior attempt to seek guidance and support from community disability advocacy groups, only to be turned away. Following this incident, I was advised to approach the EEOC and NEOC leaving me feeling overwhelmed and uncertain about my ability to confront a large state

agency on my own knowing that it may take years for anything to come of an investigation if I am lucky. I was devastated. How is that my only option for recourse?

I found that I am not alone in my experience. In Nebraska employers have abused the federal ADA law to fire qualified employees with disabilities whom they believe may be liabilities without due process and no just cause. While ADA laws were meant to assist individuals with disabilities they are now being weaponized against them. The city of Lincoln Personnel Board recently addressed a situation where an employee with a vision disability received accommodations so that he could continue to work in his position. He then completed 5 years of outstanding work with those accommodations and a new director took over the department and reviewed his employment and did not want to accommodate him any longer after a new request was made. The city sent him a termination letter without notice or an opportunity to be heard. The city stated that it did not have to uphold those duties because it was terminating him under ADA law and it was not disciplinary. Fortunately the personal board rejected the city's claim stating "Assuming Osten has rights under the Americans with Disabilities Act, those rights do not eliminate his independent and separate rights under the contract and code." This appeal took him over a year to complete leaving him jobless and benefit less during that time.

This is a step in the right direction. But many individuals with disabilities are terminated this way and have nobody to fight for them. Nobody to help them. Many don't have unions and their due process is still being violated. Our stories are two of many I have heard in Nebraska and thousands that are echoed across the nation.

I grieved losing this job because it meant losing the support system I found among the amazing first responders I connected with. Their encouragement, support, and financial help have been crucial for me and my family, during this time, especially with my daughter's serious medical needs. I have struggled to keep my home and pay my bills and I am grateful for their kindness. I am eager to repay them. Without that job, these individuals wouldn't have been in my life, and I would not be here speaking to you now. I

would give almost anything to keep this support system. It shielded me as I walked inside the walls of that prison each day.

There exists software and services that offers solutions aimed at improving workplace accommodations by streamlining and automating the ADA interactive process. This approach ensures that accommodation requests are managed with greater efficiency, precision, and adherence to regulations. It minimizes the potential for discrimination. Considering that approximately 1 in 5 individuals may have a disability as we continue to learn more and more about the brain and other conditions, adopting this software can serve as a financially prudent strategy for organizations such as NDCS, the State, or private employers, potentially leading to substantial savings related to employee turnover and recruitment. As the workforce increasingly incorporates individuals with neurodivergent or intellectual disabilities, it is crucial to address these needs for future success. I would recommend that state departments and local businesses explore the benefits of utilizing such software and services.

The ADA coordinator at NDCS is also the Grievance Coordinator for staff and inmates. Juggling these critical roles poses a challenge, especially since her expertise is in human resources, not disability rights. This is not meant to diminish her contributions but to underscore the need for better-trained personnel. Despite her work, she lacks familiarity with the Olmstead decision, raising concerns given the agency's size. This gap could lead to longer imprisonment for inmates with ADA needs due to the lack of proper accommodations who initially had short sentences.

In summation, many highly qualified individuals with disabilities often face discrimination in the workplace despite their abilities. Relying solely on organizations like the EEOC or NEOC is not a comprehensive solution to these issues, and allowing employers to use ADA laws to fire individuals with disabilities is a gross misuse of the law that was created to protect these individuals not harm them. I am confident that the individuals present here are among the most dedicated, passionate, and intelligent advocates for addressing systemic challenges related to disability rights in the workplace. I believe

that positive outcomes will emerge from our efforts, yet I am concerned about the statements made by high-ranking government officials that appear to be echoed in state agencies and private employers here in Nebraska, both in words and actions. It is essential to emphasize that individuals with disabilities do not pose a threat.

Thank you for allowing me this time to speak and for listening to what I have to say.

Update for NCDD

Home and Community-Based Services
Division of Developmental Disabilities

February 2025

Director Tony Green

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

Helping People Live Better Lives.

Agenda

- Elimination of Waitlist Timeline
- Waiver Offer Update
- Specialized Service Offer Projections
- Public Comment Period
- HCBS Policy Open House
 - LRI/Relative Guardians
 - New Services
- Annual Report

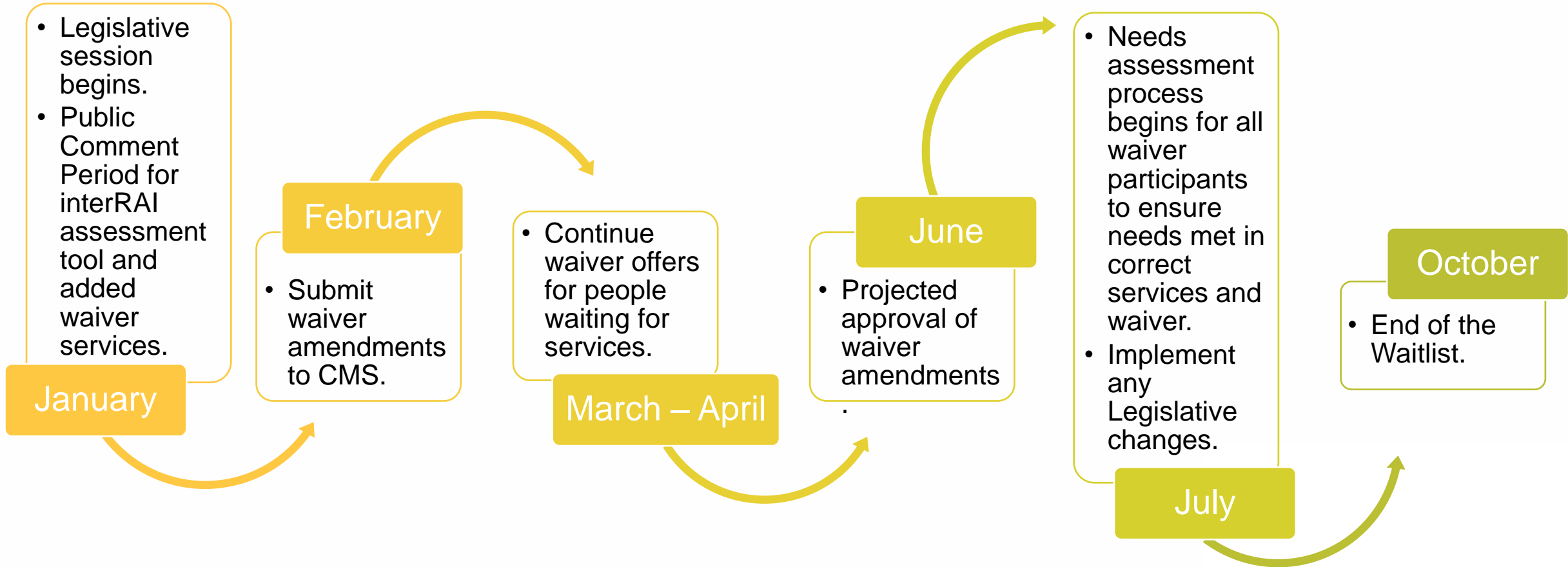
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Elimination of the Waitlist Timeline



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Waiver Offers March 2024 – January 31, 2025

A total of 1,929 offers have been made.

Family Support Waiver (FSW)

Accepted	639
Declined	479
Pending	312
Total	1430

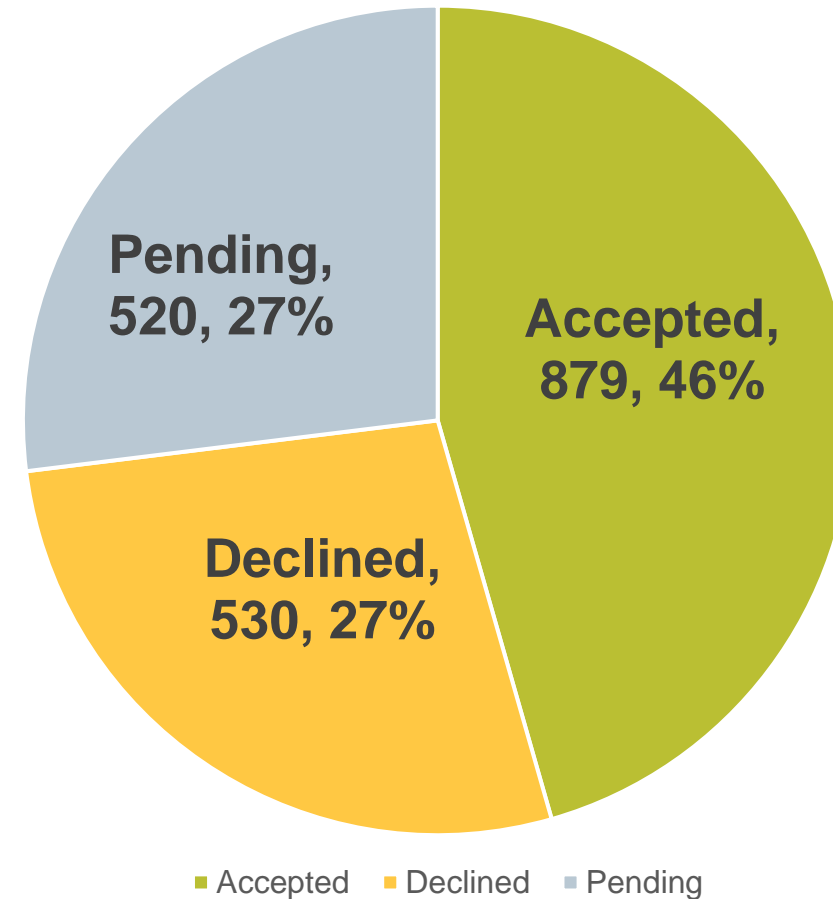
Comprehensive Developmental Disabilities Waiver (CDD)

Accepted	56
Denied	0
Pending	0
Total	56

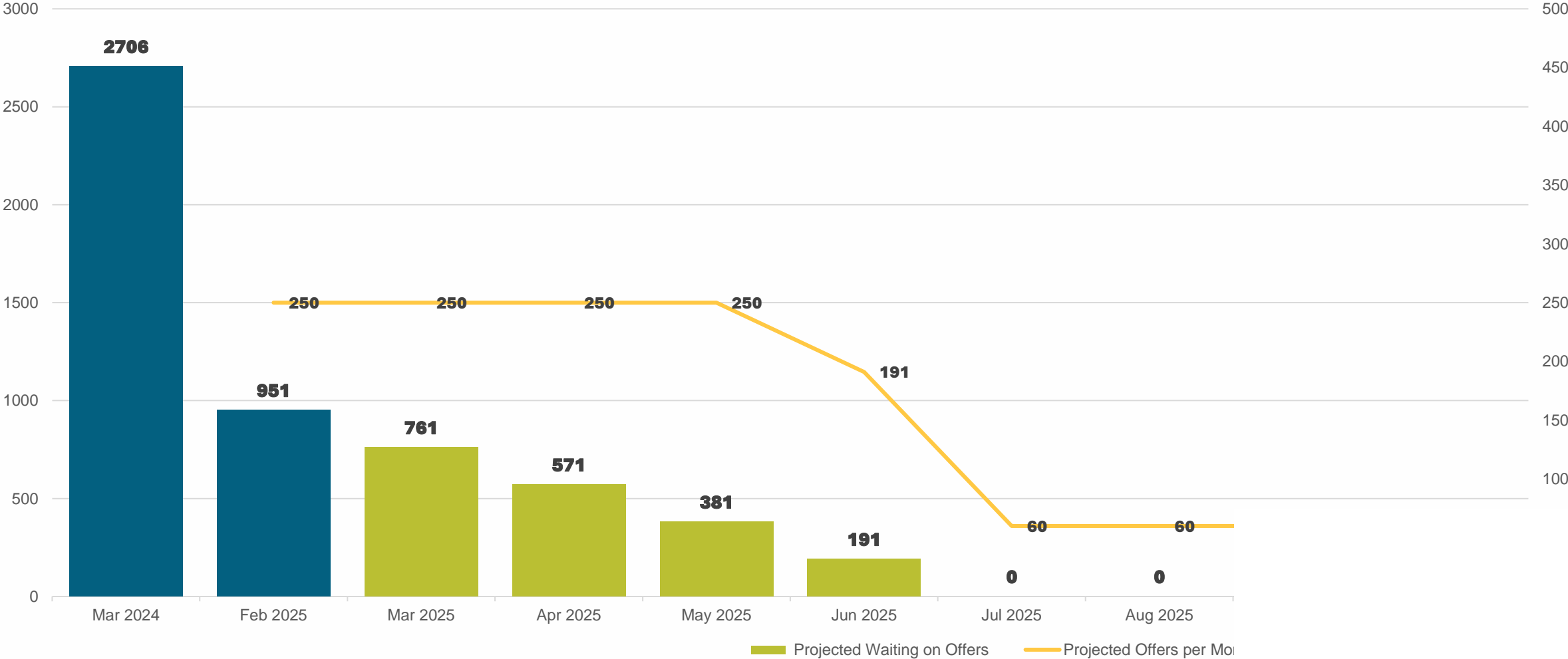
Developmental Disabilities Adult Day Waiver (DDAD)

Accepted	184
Declined	41
Pending	218
Total	443

Status of Total DD Waiver Offers



Specialized Service Offer Projections



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Public Comment Period

- DDD plans to amend HCBS Waivers:
 - DD Waivers: Comprehensive, Adult Day, and Family Support
 - Aged and Disabled Waiver
- 30-Day Public Comment Period is **January 13 – February 13, 2025.**
- Comments on the proposed waiver can be emailed to:
DHHS.HCBSPublicComments@nebraska.gov
- Public Comment information, including copies of HCBS waiver applications, on the DDD website:



<https://dhhs.ne.gov/Pages/DD-Public-Comment.aspx>

HCBS Policy Open House – LRI/Relative Guardians

The four drafted waiver amendments include allowable payments to:

Parents of Minor Children and Spouses.

Within a new service called LRI (Legally Responsible Individual) – Personal Care.

Relative Guardians.

Within existing services as allowed under Nebraska Revised Statute § 30-2627.

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HCBS Policy Open House – New Services

- Residential Habilitation Unbundling
 - Continuous Home
 - Host Home
 - Shared Living
 - Youth Continuous Home
- Employment Supports
 - Benefits Counseling
 - Employment Exploration
- Technology for Independence
 - Remote Supports
 - Health Maintenance Monitoring

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Annual Report FY24

- DDD Annual Report for July 2023 – June 2024 is now available.
- <https://dhhs.ne.gov/Reports/DDD%20Annual%20Report%20FY24%20FINAL.pdf>



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Division of Developmental
Disabilities

Fiscal Year 2024 Annual Report

July 1, 2023 – June 30, 2024

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Nebraska Council on Developmental Disabilities

State Agency Representative
Report to Council Members

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 make monthly Family Support Waiver (FSW) offers. To date, we have currently made 1430 offers to families and their children (1/31/2025).
 - 45% (639) of the offers have been accepted.
 - 33% (479) of the offers have been declined.
 - Most common reason for declines:
 - No Response (after multiple contacts)
 - Currently receiving services on the A&D waiver
 - Services not needed
 - 22% (312) of offers are awaiting a response from the family.

Elimination of the Developmental Disabilities (DD) Waitlist

- The Division is currently in Phase 2: Building Momentum. Current activities include:
 - interRAI Pilot (see below for more information).
 - Continue Family Support Waiver (FSW) and DDAD offers
 - 1430 FSW Offers (see above)
 - 443 DDAD Offers (as of 1/31/2025)
 - Public Comment on proposed waiver service changes.
 - Information is available at <https://dhhs.ne.gov/Pages/DD-Public-Comment.aspx>
 - Public Comment is open until February 13, 2025
- The timeline and other information on the elimination of the waitlist can be found at <https://dhhs.ne.gov/Pages/DD-Wait-List.aspx>.

interRAI Functional Needs Assessment:

- The Division continues working closely with Myers and Stauffer LC to implement the interRAI ID and interRAI ChYMH-DD for the DD waivers. These validated, standardized assessments will, when approved by CMS, be used for the following:
 - Determining Level of Care (LOC) eligibility
 - Supporting Person-Centered Planning
 - Establishing individual participant budgets
 - Assessing needs to determine the appropriate waiver or services for enrollment (including the pathway to the Comprehensive DD Waiver)

- We are currently wrapping up the pilot. During this time, DDD staff conducted concurrent assessments, which included administering the Developmental Index (DI), the ICAP, and an interRAI tool (selected based on the participant's age). Myers and Stauffer is now reviewing and analyzing the data to evaluate whether the interRAI ID and ChYMH-DD tools could serve as suitable replacements and to determine the relationship between the scores produced by each tool.

Future/upcoming Agency activities:

All Information available on DD Calendar of Events page on DD Homepage

- DD Advisory Committee Meeting- Wednesday, February 12
- Public Comment Period- Open until February 13, 2025
- Monthly HCBS Stakeholder Meeting- March 3, 2025
- DD Advisory Committee Meeting- Wednesday, March 12

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:

End of Year Accomplishments:

- In FY24, the Division of Behavioral Health served **23,166 individuals**
 - **18,877 with primary mental health** conditions and **5,857 with primary substance use** conditions.
- Of 1010 individuals enrolled in supported housing services, **92% of individuals discharged to stable housing**. DBH served 516 unique persons through extended supported employment services.
- **988 received over 28,500 contacts in FY24**, with only 326 mobile crisis response activations.
 - This means that over **98% of the time, speaking with a crisis counselor via 988 was able to divert a mobile crisis response**.
- **Over 16,300 Naloxone Kits were distributed, free of charge, in FY2024**, with 89 first responders and 26 pharmacies added to our no-cost Naloxone Program.
 - **Over 31,000lbs of unused medications were collected in drug takeback events in 2024** and over 15,000 safe medication disposal devices were distributed.
- In the last year the **Lincoln Regional Center:**
 - **Added 130 Positions for enhanced safety and client care**
 - **Increased discharges** by 25%
 - **Reduced Assault incidents** by 49%
 - **Reduced length of stay** times by 30%
 - **Reduced admission wait time** by 53%
 - **Reduced cost-per-bed** by 6%
 - **Increased the patient census** by 15%
- Established a website that outlines **Same Day Access Services** across the state: <https://dhhs.ne.gov/SameDay>
- DHHS and UNL **Cornhuskers 988 Crisis Line Partnership**
- Established **warm transfer protocols** between 988 and 911
- Launched the **Nebraska Strong Recovery Team** in response to April 2024 Windstorms

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:

- VR completed initial audits of 22 supported employment providers. The next round of audits are scheduled to be completed in April.
- Successful SE/CE outcomes for PY 2023 = 334
- Additional SE/CE data elements are currently under review with the Olmstead Employment Workgroup

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

- VR and DHHS are currently working on updating our joint MOU.
- VR has been collaborating with Becki Koehler and agency partners as a result of the Dr. Mills study and subsequent action plan.
- CPAP 2.0 continues to provide outreach to the ID/DD population in an effort to help prior clients advance.
 - Read more about CPAP @ <http://www.vr.nebraska.gov/pathways>
- VR and ATP are actively engaged in the Olmstead Advisory Committee.

Future/upcoming Agency activities:

- VR and VRTAC-QE will be offering additional training opportunities that will complement the recent trainings offered through NEON. These trainings are expected to be scheduled for August.

Nebraska Department of Education Office of Special Education Update

February 2025

Transition

The Office of Special Education (OSE) shared [Transition Guidance](#) from the Office of Special Education Rehabilitative Services (OSSERS) entitled Coordinating Transition Services and Postsecondary Access (January 2025), addressing several topics related to postsecondary transition for students and youth with disabilities. The document is intended to:

- Help stakeholders understand the requirements under IDEA and the Rehabilitation Act
- This guidance **does not change** NDE’s longstanding position that LEAs are permitted to use IDEA Part B funds to provide or pay for services that constitute FAPE in postsecondary education settings only if the education is considered secondary school education under State law.
- Addresses how IDEA and VR funds can be used to support students with disabilities as they transition for services under IDEA to services under the Rehabilitation Act.
- Build upon OSSERS guidance [A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities](#) (August 30, 2020) and describe how State educational agencies, local educational agencies, and State vocational rehabilitation agencies may coordinate to assist students with disabilities who are in high school or may be transitioning out of high school.

January 30, 2025 Superintendents and Special Education Directors received an email from the OSE about the 2025 indicator 13 letters and where to access them. Indicator 13 focuses on Transition planning for students with disabilities as they prepare for life after school. Indicator 13 measures the percentage of youth ages 16+ who have measurable IEP goals related to transition, updated annually, and appropriate services.

State Performance Plan/Annual Performance Report: Part B

The Office of Special Education submitted the Nebraska – Part B (school age) Special Education and Part C (Birth to age 3) Early Intervention State Performance Plan – Annual Performance Reports on January 30, 2025 for the FFY 2023.

State Performance Plans (SPP) and Annual Performance Reports (APR) are mandated components of the Individuals with Disabilities Education Act (IDEA) designed to ensure accountability and continuous improvement in the education of children with disabilities.

- The APR provides an annual update on a state’s progress toward the targets set in the SPP
- The APR includes data on 18 indicators for **Part B** and 12 indicators for **Part C**, an analysis of progress, and descriptions of activities undertaken to improve performance. States must also report on any noncompliance issues and how States must make the APR publicly available, ensuring transparency and accountability to stakeholders.

- Now, the OSE will begin to develop the district performance reports that will be populated on ILCD (in the NDE portal) for districts to review Mid-May. This gives Districts the opportunity to notify us of any discrepancies in the data prior to public reporting on June 1st.

[Link to SPP/APR Indicator Card](https://ideadata.org/sites/default/files/media/documents/2024-04/Indicator%20Card%20SPP_APR%202020-2025.pdf)

https://ideadata.org/sites/default/files/media/documents/2024-04/Indicator%20Card%20SPP_APR%202020-2025.pdf

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:

LB310, 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:

The Maternal and Child Health Block Grant/Title V will conclude the stakeholder portion of 2025 Needs Assessment on April 9th at the Embassy Suites in Lincoln, NE.

An animated video illustrating the process can be found here: <https://dhhs.ne.gov/Pages/Title-V-Needs-Assessment.aspx>

Participants are currently writing Issue Briefs within the population domain workgroups. The Children and Youth with Special Health Care Needs (CYSHCN) committee have identified:

- 1) Early screening and diagnosis
- 2) Accessing mental and behavioral health services

Nebraska Council on Developmental Disabilities

State Agency Representative
Report to Council MembersRepresentative: Dawn Sybrant Agency: DHHS - MLTC

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

Member Renewals

- REMINDER: The “Unwinding Period” has ended, and members will resume the pre-pandemic cadence of renewals. Members can keep their information up to date in the following ways:
 - o Online: at iServe.Nebraska.gov
 - o Email: DHHS.ANDICenter@nebraska.gov
 - o Fax: (402) 742-2351
 - o Over the phone:
 - Omaha: (402) 595-1178
 - Lincoln: (402) 473-7000
 - Toll-Free: (855) 632-7633
 - TDD: (402) 471-7256
- Even though the review of eligibility for the unwind period has ended, we want to remind members, families, and guardians to continue to update their information through iServe Nebraska.

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

- o Establishing the BAC
 - Medicaid is working to establish the new Beneficiary Advisory Council (BAC) which was required by the “Access Rule” published in 2024 by Centers for Medicare and Medicaid Services (CMS). The BAC is a group established to engage stakeholders in transformational community engagement, where members with lived experience of the Medicaid program can advise the Agency and recommend changes that are needed to help improve member experiences and outcomes. Anyone interested in participating in this group can reach out to the following email: dhhs.mcac@nebraska.gov.
- o Coverage of Interpretation Services
 - During the 2024 legislative session, LB62 was passed to ensure translation and interpretation services are provided to Medicaid members when necessary while receiving covered healthcare. Interpretation

services include sign language, oral interpretive, and translator services for limited and non-English speaking members and/or deaf or hard of hearing members, when these services are necessary and reasonable to communicate effectively with members in conjunction with another Medicaid-covered service.

- See [Provider Bulletin 24-22](#) for more information.
- Prenatal Plus Program
 - The Prenatal Plug Program (PPP) is designed to support Nebraska Medicaid-eligible pregnant mothers who have been determined by their prenatal health care provider to be at risk of having a negative maternal or infant health outcome. The purpose of the PPP is to reduce the incidence of low birth weight, pre-term birth, and adverse birth outcomes while also addressing other lifestyle, behavioral, and nonmedical aspects of an at-risk mother's life that may affect the health and well-being of the mother or the child.
 - See [Provider Bulletin 24-23](#) and the [Prenatal Plus Program webpage](#) for more information.

Future/upcoming Agency activities:

DHHS Pauses Implementation of EVV System Changes

The Department of Health and Human Services (DHHS), in collaboration with Netsmart, has rescheduled the planned implementation of changes to the federally required Electronic Visit Verification (EVV) System for Nebraska Medicaid Personal Assistance Services (PAS) and Home and Community-Based Service (HCBS) providers.

DHHS is dedicated to ensuring that providers and customers experience a smooth transition with the implementation of the EVV system changes. **The new implementation date will be February 19, 2025.**

iServe HCBS Application

The go-live for the HCBS application was expected to be implemented on January 31, 2025. It should be available as of the date of the council meeting.

Nebraska Council on Developmental Disabilities

State Agency Representative
Report to Council Members
February 2025

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:

Restraint and Seclusion:

Disability Rights Nebraska staff met with the Director of Special Education Amy Rhone to discuss gaps in state-level data on restraint and seclusion (from the Civil Rights Data Collection). We also discussed data collection and raised awareness of required reporting on restraint/seclusion at the state level (Nebraska Revised Statute 79-760.05—we suggested to include restraint and seclusion). We also discussed areas where the Department and Disability Rights Nebraska could collaborate in the future. Finally, we discussed if Amy Rhone/special education have been involved in the process to develop the model law on behavior management, classroom management and how the process will include families of students with disabilities and others (e.g., Special Education Advisory Council)

Inclusive Education Lay Advocacy: Six more advocates were trained between September and October 2024, for a total of 51 advocates trained since the program's first session in 2019.

14 families were referred to Inclusive Education Lay Advocacy in the last months of 2024. Eight families were assigned advocates. Two families were assisted in filing a state complaint regarding the failure of the school to provide appropriate educational services. All families were provided information on strategies to advocate for their child.

Advocacy Example:

Navigating the world of Special Education can be confusing. Imagine trying to advocate for your child's education if you have lived in the U.S. for only about a year.

An Omaha couple sought our agency's help for their non-verbal 5-year-old son, who has autism. The boy was exhibiting some inappropriate behaviors at his school. His parents were concerned that the school was more focused on labeling their son and potentially moving him to a more restrictive environment, rather than addressing his behaviors or achieving meaningful progress.

The Nebraska Autism Spectrum Disorders Network and PTI Nebraska referred the couple to our agency. In turn, we provided the family with a Lay Advocate from our Inclusive Education Lay Advocacy Project. The boy's parents and the Lay Advocate worked with the school and finished his Individualized Education Program (IEP) meetings before the winter holiday school break. With the IEP in place, the family still has several items to follow up on in spring regarding summer programs and the boy's transition to kindergarten. The Lay Advocate and the parents discussed ways they can ease communication with the school going forward.

Advocacy Example:

Sometimes, a call from our agency's Inclusive Lay Advocacy Project Coordinator suffices to assure a student receives proper services at school.

This was the case with an 18-year-old male from Omaha. He is a student at a public high school in Omaha. He is nonverbal due to childhood apraxia of speech in conjunction with a sensory processing delay, a connective tissue disorder, autism, and nonverbal learning disorders.

The student prefers to communicate with American Sign Language. However, his public school system was unwilling to use its funds to hire ASL interpreters because ASL is required only for children who are deaf or hard of hearing.

Our Inclusive Lay Advocacy Project Coordinator, Patricia Cottingham, spoke with the student's mother and the issue was resolved with the school.

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

Olmstead:

During the first month of the quarter, the Legal Services Director, conducted three on-line trainings addressing the Americans with Disabilities Act, the Olmstead decision and the progress of Olmstead planning and implementation in Nebraska. The trainings were well attended by advocates, family members, legislative staff and other interested parties.

The Legal Services Director attended Olmstead workgroups on employment, housing and community services.

On December 15, 2024, the Division of Developmental Disabilities Director, Tony Green, submitted the Olmstead Committee Strategic Plan Analysis and Progress Report to the Nebraska legislature, as required by the Olmstead statute. The evaluation was completed by Partners For Insightful Evaluation (PIE). As a member of the Olmstead Advisory Committee, the Legal Services Director participated in several workgroups providing feedback and comments to the evaluation results.

Subminimum Wage:

Disability Rights Nebraska submitted comments to the Federal Department of Labor on their proposed rule to phase out the subminimum wage program at the federal level. This involved not only writing our comments but also researching the outcomes of states/localities that have eliminated subminimum wages.

Disability Rights Nebraska also raised awareness of the proposed rule and the window for public comment: we created a post on our social media platforms and we sent messages to our network of advocacy agencies and advocates. We also offered to assist individuals who might want to submit comment.

Supported Employment:

We continue to work with subject matter expert Becki Koehler on supported employment in Nebraska. She has assembled many community partners and representatives from the Department of Health and Human Services, Department of Education and Vocational Rehabilitation. We are working on implementing the the Supported Employment Action Plan.

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:

Transitional Changes in Leadership

- Reginal Carroll, Professor in our integrated Center for Autism Spectrum Disorders (iCASD) named Associate Director, eventually Director, of Clinical Services
- Amy Nordness, Associate Director of MMI and Director of Clinical Services will become full-time Associate Director of MMI
- Kerry Miller, Associate Professor in Education and Child Development named Associate Director, eventually Director of Academic Affairs. Keith Allen, current director will retire in June 2025
- Jenny Burt, Professor in Psychology, named Associate Director, eventual Director, of LEND. Dr. Cindy Ellis will continue as Director until her retirement in June 2026.
- Tara Fahmie, Professor in Severe Behavior, will become Director of Severe Behavior in June. Amanda Zangrillo, current director, is taking a position with Children's Mercy Hospital in Kansas City to be near family
- Alexandra Lane has been hired in December as our new MMI Website/digital media specialist
- Michelle Tinnes has been hired this January as our new Respite Coordinator for Eastern Region in Nebraska with UCEDD
- Maryjan Fiala has been hired as a Consumer/Family Program Specialist with UCEDD

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

Student Recruitment and Interview Season

Psychology interviews for Post-Doctoral Fellowships occurred in November/December

Psychology (Behavioral Psychology Integrated Clinics, School-Based ABA and mental health, Lifespan) and intensive Applied Behavior Analysis- iABA (Severe Behavior, Pediatric Feeding, iCASD) conducted interviews for Pre-Doctoral Interns in January

PhD ABA program interviewed applicants in January- will admit 6 students

MS ABA program reviewing applications (45) with interviews to take place in February – will seek to admit ~12

We have 2 new trainees with our Family Care Enhancement Project

Recent Respite and FCEP Activities

Our Respite Team in collaboration with our Family Care Enhancement Team and many volunteers from across MMI held the Hispanic Little Angels annual holiday party on Dec 15th at St. Mary's Church on 33rd and Q. Over 150 families registered and approximately 500 individuals attended. Gifts were available for all the children courtesy of Toys for Tots. We had a Spanish-speaking Santa, music, dancers, cake, hot chocolate and champurrado, and face painters/balloon artists. Connections have been made with the Shriner's of Omaha to help connect families to available resources. Evaluations from surveys of attendees was uniformly positive.

We recently hosted our 2nd Autism Eats event on Oct 18th: a sensory-friendly Halloween pizza party at Zio's. Feedback from attendees (50) was all positive, and we doubled our attendance from our first event (and still had a waitlist!).

Additional Autism Eats events are planned for the coming year.

Future/upcoming Agency activities:

2nd Annual Nebraska Connecting Families Summit to be held March 7, 2025, at the Community Engagement Center on the University of Nebraska campus. Goal of the summit is to identify next steps for creating systemic supports across Nebraska maximizing funding, resources and information to enhance the accessibility and engagement of families and professionals with needed mental and behavioral health resources and services that have meaningful connections to educational settings. This event is by invitation only and includes approximately 60 representatives from state agencies, education, mental health and caregivers across Nebraska. Amanda McGill Johnon will be keynote speaker.

MMI Website revision is nearing completion and will hopefully be live by our next DD Council meeting for review.

SOAR conference October 3-5, 2025 in Omaha, NE. See save-the-date flyer. More information to come soon!

SOAR



conference
2025

**Seeking Opportunities for an
Advocacy Revolution**

Save the Date

SOAR Conference

This event brings together self-advocates with disabilities from around the Midwest to exchange ideas and learn from each other about advocacy.

October 3-5, 2025

Beginning Friday evening and ending early Sunday afternoon.

Embassy Suites by Hilton
Omaha Downtown Old Market
555 S. 10th St.
Omaha, NE 68102

Hosted by Nebraska's UCEDD at the University of Nebraska Medical Center's Munroe-Meyer Institute, in partnership with the Nebraska DD Network.

Participating States

- Colorado
- Iowa
- Kansas
- Missouri
- Nebraska
- South Dakota
- Wyoming

Hotel

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Old Market
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