

Statewide Independent Living Council
March 21, 2018

Governor's Inn
Pierre

Members Present: Jackie Juhala, Clarke Christianson, David Scherer, Sarah Rush, Alan Adel, Steve Stewart, Bernie Grimme, Sandy Neyhart, Chuck Quinn, Tasha Jones, and Tammy Kabris; **Members Excused Absence:** Mark Kowterski, Lori Nelson, Catherine Greseth, Craig Eschenbaum and Gillian Plenty Chief; **Others present:** Jennifer Geuther, DRS IL Program Specialist; Matt Cain, ILC Director; Jen Red Bear, WRIL Director; Shelly Pfaff, SILC Staff and Interpreters – Julie Paluch and Casey Entwistle.

OPENING ACTIONS: Chuck called the meeting to order at 8:30 am (CT). He explained that Craig had recently had surgery and was recovering, thus he was unable to be at the meeting today. He asked all to introduce themselves. **APPROVAL OF AGENDA** – Chuck asked if there were any changes to the agenda. Hearing none - **MOTION MADE (M) TO APPROVE THE AGENDA, SECONDED (S) and CARRIED (C).** **APPROVAL OF MINUTES:** Chuck asked for any changes to the December meeting minutes. Hearing none; **MOTION TO APPROVE THE MINUTES – MSC.** Next, Chuck brought forward the February Executive Committee minutes. Again, hearing no call for changes; **MOTION TO APPROVE THE EXECUTIVE COMMITTEE MINUTES – MSC.**

PUBLIC COMMENT: Chuck invited public comment. Bernie shared a one-page “2018 Fall Conference Save the Date” flyer (see attached) relating to the conference, which will be held in Aberdeen in early October. As further information becomes available, it will be circulated to SILC members.

DRS REPORT: Jennifer Geuther, DRS IL Program Specialist provided this update. She referenced her memo of March 9th and related reports, which had been mailed out to members prior to the meeting. The reports were: consumer satisfaction survey report, independent living funding sources for SFY2018, status of CIL contracts and 704 Data Summary. For the first two reports noted earlier, Jennifer provided an overview of their contents. In reporting on the “status of CIL contracts,” Jennifer reported that $\frac{3}{4}$ of the way through the contract year, both CILs are under their goals. It is estimated ILC will expend about 87% of their contract, with a balance of approximately \$57,961 unspent; WRIL will expend about 71% of their contract, with a balance of approximately \$42,103 unspent. This is a result of both CILs receiving additional Part C funds because NAAP relinquished their Part C funding, and it was

re-allocated to ILC and WRIL. These funds are being used first in the delivery of services. 704 REPORT DATA TRENDS: This report contained several charts based on data the CILs submitted to ACL at the end of the last FFY. Some highlighted points Jennifer made were: (1) Of those served by ILC, 71% were served under a waiver of the Independent Living Plan (ILP); of those served by WRIL, 24% were served under a waiver of the ILP; (2) Total numbers served dipped significantly in 2014, rose significantly in 2015 and has shown a minor decline in subsequent years; (3) People with multiple and physical disabilities are the highest numbers served by the CILs; (4) The largest percentage of people served by the CILs is in the category of over 60 years of age; the next largest group is 25-59 years of age; (5) The number of youth age 5 – 19 receiving transition services is decreasing; the number age 20 – 24 is increasing; (6) “Goals met” is the largest reason for case closure. A question was asked, “Why the numbers are so low for people who are deaf or hard of hearing?” It was explained that often these individuals have “multiple disabilities” and thus their disability is coded that way; few are people who are only deaf and/or hard-of-hearing. ADDITIONAL INFORMATION: Jennifer reported that they have begun their annual reviews of the CILs. The ILC review was held March 5th and 6th. The WRIL review will be held March 27th and 28th. The review team includes Bernie Grimme, Mitchell Close and Jennifer. Katie Gran assisted with the ILC review. SILC CONGRESS: Jennifer reported she participated at this event February 20 – 23 in Orlando, Florida. ACL was invited, but due to government shutdowns and such, they did not attend. They did send a letter, which was read and remarked that the President’s proposed budget seeks to cut \$4 million in IL funding. It was also remarked that this is only a proposal at this time. She participated in sessions on SILC Indicators and DSE Assurances, monitoring and evaluating the state plan for independent living, and the importance of IL and why people get involved in the advocacy and social justice issues. She explained there were also sessions utilizing panels of various national organizational representatives, state and regional sharing opportunities, and there was talk that the SILC Congress would be preparing a letter to the Senate opposing HR 620 that they would be circulating to SILCs, seeking their signature of support. No one has seen this letter as of this time.

UNDERSERVED AREAS – WHAT’S HAPPENING: IN THE STATE – At the last meeting it was decided that WRIL would serve individuals on the Oglala Lakota and Rosebud Nations and ILC would serve individuals on the Cheyenne River and Standing Rock (South Dakota portion) Nations. ILC has opened an office in Mobridge and hired staff. That ILS will be in Mobridge 3 days a week, 1 day a week at the Cheyenne River Tribal VR Office in Eagle Butte and 1 day a week at the Standing Rock Tribal VR Office in McLaughlin. ILC has also added one staff in Sioux Falls. WRIL had been covering the Rosebud and part of the Cheyenne River Nations with current staffing from Pierre and Rapid City. Staff has participated in a Youth

Transition Forum at Little Wound. An ILS out of Rapid City is reaching out to the Oglala Lakota Nation. Data from 12/1/17 – 3/16/18 shows 8 individuals served between the Cheyenne River/Standing Rock Nations and 7 individuals served between the Oglala Lakota/Rosebud Nations. It was agreed most of these are the result of work WRIL had been doing prior to the last SILC meeting. AT THE FEDERAL LEVEL – A request for proposals has been issued by ACL for a new CIL to cover the 9 Native American reservations. The closing date for application submissions is 5/7/18. Bernie shared some history of the SILC and DSE efforts to have conference calls and other communication with ACL prior to this release to talk about the underserved portions of our state and how to best meet those needs. He also handed out a copy of the portion of the State Plan for Independent Living which addresses the “Expansion of Network” – 3.2 (see attached). There has been little to no response to those attempts, and instead of a forecast being issued about the request for proposals, which would have allowed for comments, the request was issued. The estimated program funding is \$145,009 – which is the amount of Part C funds that had previously been awarded to Native American Advocacy Program – which they relinquished to ACL. Consensus was that there is little that the SILC, CILs and DSE can do to impact the ACL process, nor to understand the reasons behind their decisions. What they can do is be prepared to amend the State Plan for Independent Living once they know the outcome of this proposal process. From information shared by CIL directors and SILC members who have had conversations with ACL representatives, there appears to be mixed interpretations of what can and cannot be done in terms of the delivery of services under this funding e.g., contracting with others to provide the services. Matt shared that ILC is planning on submitting a proposal, and they would like to work with WRIL to do so. Alan shared that another entity approached them about the grant opportunity. **MOTION THAT THE SILC PROVIDE A LETTER OF SUPPORT TO ILC AND/OR WRIL IF THEY CHOOSE TO SUBMIT A PROPOSAL IN RESPONSE TO THE ACL REQUEST FOR FUNDING FOR A NEW CIL TO SERVE THE NINE NATIVE AMERICAN RESERVATIONS IN SOUTH DAKOTA – MSC.** Staff was asked to send out a copy of the grant proposal notice and the link to the site to SILC members. Bernie also shared that there was another grant opportunity relating to Native American IL projects. He shared it with the director of Native American Advocacy Program. Lyle shared that the Tribal VR Offices of Cheyenne River and Standing Rock are making office space and related services e.g., internet, phone available to independent living staff who travel to their areas, as a way of supporting the efforts to improve independent living services for their people.

BVR REPORT: Chuck, as the BVR liaison on the SILC, provided this report. He shared that the BVR will be meeting next week, and his report will be based upon activities that occurred at their December meeting. The DRS Director’s Comments focused on the FY17 budget and the ability to spend over \$6 million to support eligible

individuals with disabilities pursuing their employment/career goals; Department of Human Services legislation to be brought forward during the upcoming State Session; and issues on the national level with potential impact on services e.g., Congress not funding Supported Employment grants which would result in a reduction of \$300,000 for South Dakota. Other items on the agenda of the December meeting, which Chuck provided information on, were: (1) time to gather feedback on the Governor's Awards ceremony; (2) status of NDEAM activities and reports on those activities; (3) VR initiatives e.g., interns from the SDSU Masters in VR program; private provider initiatives; (4) the Fall Conference held in October; (5) DRS staff training efforts; and (6) the revision of the memorandum of understanding between DRS and the Oglala Lakota Tribal VR Program. Chuck also reported that Eric presented Bernie with a plaque and pin recognizing his 30 years of service with the State of South Dakota. The meeting also included a report from Kim Hoberg, DHS Business Specialist, which covered her activities e.g., summer initiatives, Project Skills, business contacts, and Ability for Hire campaign.

At this point, Chuck called for a fifteen-minute break.

DSBVI REPORT: Sandy Neyhart, IL Program Specialist for the Division of Service to the Blind and Visually Impaired (DSBVI) provided this report. **OLDER BLIND PROGRAM** – DSBVI has submitted an application to Mississippi State University (MSU) to assist them with (1) developing metrics to highlight accomplishment and address areas of low performance in order to implement improvements in the program and the delivery of services; and (2) identify any efficiencies that can be implemented to promote the delivery of these services. MSU is the Older Blind Technical Assistance Center for Intensive Training and Technical Assistance, and they provide training and support to these programs nationwide. They are funded by the Rehabilitation Services Administration (RSA), and they provide a variety of services to program managers and others who directly serve older citizens with vision loss. In preparation for their work with the division, Sandy submitted several program tools e.g., eligibility requirements, staff training requirements, and description of the service delivery model. She also identified a number of stakeholders who have an interest in helping people remain safely in their own home that will have opportunity to be part of the process. They expect this process with MSU will begin in the Fall with a visit to the state, and then be followed with teleconferences, trainings and other meeting opportunities. **CCTV PROGRAM UPDATE** – The division has submitted a request for 10 additional machines to continue to meet the need of a short waiting list. If these are received, it will result in the program having a total of 229 units in circulation of which the majority are high definition, superb quality magnification devices. **TELECOMMUNICATIONS ADAPTIVE DEVICES PROGRAM** – Sandy reported that the “conditions of acceptance” forms have been updated and clarified.

This program has been in place since 2015, and there may be current participants who will be reapplying if their current device no longer meets their needs.

BSBVI REPORT: Due to Catherine's inability to be at the meeting, the BSBVI liaison to the SILC, Sandy provided this update. Their next meeting is this Friday – March 23rd at the Governor's Inn, and Sandy had a few copies of their agenda available. She also highlights some items on the agenda. She reported on: (1) the public forum for the WIOA Unified State Plan Summary held on March 2nd; (2) the requirement for the State to submit two-year updates on the WIOA State Plan by March 15th, 2018, and how DRS and DSBVI have specific portions of this plan that address employment of citizens with disabilities and those who are blind or visually impaired; (3) DSBVI will hold two additional public meetings – one in conjunction with NFB South Dakota convention in Rapid City on April 27th and another with SDAB later in the Fall; (4) Sandy reported that the BSBVI was excited to participate the 2018 Disability Awareness Day at the Capitol. Catherine Greseth and Koni Sims represented the BSBVI at this event. Sandy shared that the BSBVI is seeking nominations for two vacancies due to occur on their board. Kay Miller and Eric Rippentrop will not be continuing on the board. Finally, Sandy reported that the division's Transition Week is scheduled for June 10 – 14 at the SD Rehabilitation Center for the Blind in Sioux Falls. If anyone knows of a student from across the state who would be interested in participating in this week, they were invited to contact Dawn Backer at the Center or Steve Kelsey at the SD School for the Blind and Visually Impaired. The week is a time for students to learn about employment, post-secondary opportunities, spend time with friends, experience a taste of college life, learn about technology and tour a variety of community businesses to begin exploring employment opportunities that may match their interests and talents.

Due to the time, Chuck asked the SILC Staff to begin her report at this time.

SILC STAFF REPORT: MEMBER FOR JOINT GOVERNOR'S AWARDS COMMITTEE – Shelly briefly explained this process and the need for a SILC member to serve on the joint committee. Sarah has served in the past. At this time, Dave Scherer volunteered to serve on the committee. **NOMINATIONS FOR SILC MEMBERSHIP** – Shelly explained that all of the State agency representatives will need to have new nominations submitted, as the individuals presently serving are reaching the end of their 2nd three-year term. Tasha is eligible for another term, and she has indicated an interested in being re-appointed. Chuck is also eligible for another term, but he has declined the opportunity of being re-appointed due to retirement plans he and his wife have for the very near future. Members were encouraged to promote this opportunity and seek nominations. **POLICIES AND PROCEDURES** – Shelly referenced the letter from ACL relating to SILC Indicators

and DSE and SILC Assurances that had been shared at the last meeting, and then she pointed to the slides from the webinar that she and Jennifer had participated in on the same topic. She explained that it was their understanding that the SILC must have “written policies and procedures” in seven different areas. She had sent out some documents, which she’d drafted, as a starting point for dialogue. They included a description of the SILC’s current practice and whether or not it is currently written down and two state examples of policies in each area. She used the same two states for all the examples – one from a very brief set of policies; the other from a very complex set of policies. Shelly explained that if the SILC gave consideration to these drafts at this meeting, they could honestly respond to ACL that they were in the process of developing and approving these policies, if ACL inquired. They were to be in place by January 2018 – which we did not learn about until after the fact. After some preliminary dialogue, consensus was to delay further conversation on these until after lunch, at which time the SILC would provide some guidance to staff to revise and further prepare these documents.

CIL STAFF TRAINING – Shelly explained that the past few years, it has been an increasing struggle to develop an agenda for the annual CIL Staff Training that meets the needs of the diverse staff from the CILs. There is such a mix of veteran and new staff, and even though the staff has participated, we have heard some talking about it hasn’t held new information for them. At the same time, we’ve also struggled to get training topics/ideas from the CILs. Consequently, Shelly consulted with DRS leadership about the idea of not hosting an annual event for the next couple of year, and instead providing the CILs with funding in support of their staff participating in training that more directly fits their needs. The SILC would have some type of training request process/form with in-state requests having top priority and only needing approval from the CIL Director; out-of-state requests would be a lesser priority and would need both CIL Director approval and SILC Executive Committee approval. Matt shared that ILC has a form that might work for this process, and he will make it available to SILC Staff. Training dollars would be used for ILS/IL staff of CILs and directors/managers.

MOTION THAT THE FY18 CIL STAFF TRAINING FUNDS (\$11,776.76) WILL BE DISTRIBUTED TO THE CILS BASED UPON THE NUMBER OF INDEPENDENT LIVING FTES TO SUPPORT IL STAFF PARTICIPATING IN TRAINING WHICH HAS A REGISTRATION PROCESS; IN-STATE TRAINING WILL BE TOP PRIORITY AND NEED ONLY CIL DIRECTOR APPROVAL; OUT-OF-STATE TRAINING WILL BE A SECONDARY PRIORITY AND NEED CIL DIRECTOR AND SILC EXECUTIVE COMMITTEE APPROVAL; ALL TRAINING REQUESTS WILL BE “CCd” TO SILC STAFF FOR ACCOUNTING/RECORD PURPOSES – MSC. There was some conversation about the SILC budget following the motion – a review of it’s current status and past use of funds e.g., strategic planning funds.

At this point, Chuck called for a break for lunch. The meeting reconvened at 12:45 following lunch.

POLICIES AND PROCEDURES: Chuck asked that the SILC work through each of the draft documents. A METHOD FOR RECRUITING MEMBERS, REVIEWING APPLICATIONS AND REGULARLY PROVIDING RECOMMENDATIONS FOR ELIGIBLE APPOINTMENTS TO THE APPOINTING AUTHORITY – Consensus was that the current process works. It is lacking specific timelines, so it was recommended that the “draft” policy contain timelines, as appropriate. It was also suggested that the process be reviewed to ensure that nominated individuals are aware that their information is being shared with not only the appointing authority e.g., Governor, but all SILC members and others. A METHOD FOR IDENTIFYING AND RESOLVING ACTUAL OR POTENTIAL DISPUTES AND CONFLICTS OF INTEREST THAT ARE IN COMPLIANCE WITH STATE AND FEDERAL LAW – Consensus was that whatever policy the SILC has needs to be reflective of what is contained in their bylaws. They felt their current bylaw language on this matter is good. There was some conversation about adding the use of a “conflict of interest statement” signed by all involved on an annual basis. A comment was also raised that Native American representation also has a responsibility to tribal law, and thus this needs to be a consideration in such policies. A PROCESS TO HOLD PUBLIC MEETINGS AND MEET REGULARLY AS PRESCRIBED IN 45 CFR 1329.15(a)(3) (WHICH ALSO MEETS THE STATE’S OPEN MEETING LAWS); A PROCESS AND TIMELINES FOR ADVANCE NOTICE TO THE PUBLIC OF SILC MEETINGS IN COMPLIANCE WITH STATE AND FEDERAL LAW AND 45 CFR 1329.14 (3); A PROCESS AND TIMELINE FOR ADVANCE NOTICE TO THE PUBLIC FOR SILC “EXECUTIVE SESSION “ MEETINGS, THAT ARE CLOSED TO THE PUBLIC, THAT FOLLOW APPLICABLE FEDERAL AND STATE LAWS; AND A PROCESS AND TIMELINES FOR THE PUBLIC TO REQUEST REASONABLE ACCOMMODATIONS TO PARTICIPATE DURING A PUBLIC COUNCIL MEETING – Consensus was that all of these could be included in one policy document. There was dialogue about identifying specific months when meetings are generally held; hosting the meetings in various locations throughout the state; hosting the meetings via teleconference or video-conference; including “executive session” on each agenda and if not needed, fine; and including a statement speaking to the SILC respectfully requesting that all participants refrain from wearing/using scented personal hygiene products e.g., perfumes, colognes, scented lotions at SILC meetings and activities. Staff was given guidance on each of these aspects of the policy and will work to include that guidance in the draft policy. A METHOD FOR DEVELOPING, SEEKING AND INCORPORATING PUBLIC INPUT INTO MONITORING, REVIEWING AND EVALUATING THE IMPLEMENTATION OF THE STATE PLAN FOR INDEPENDENT LIVING AS REQUIRED IN 45 CFR 1329.17 – Consensus was that staff will need to

do more research into this specific policy need. It was suggested that it may call for the formation of a standing committee – SPIL Committee – to carry out these ongoing activities. A PROCESS TO VERIFY CENTERS FOR INDEPENDENT LIVING ARE ELIGIBLE TO SIGN THE STATE PLAN IN COMPLIANCE WITH 45 CFR 1329.17(d)(2)(iii) – Staff had not been able to find samples of this policy. After some conversation, Matt shared that the CILs sign an assurance document, and it might be helpful in forming a policy. He will send it to staff, and staff will work off it to develop a draft policy. Staff thanked the members for taking time to look at each of these and provide counsel on them. SILC and DSE staff will work together to draft actual policies, based on their input, and bring them for their consideration at their next meeting.

WORKGROUP UPDATES: CONSUMER SERVICES – Bernie reported that this workgroup hasn't met since the last meeting, and several members will be off the SILC after the next meeting. PUBLIC AWARENESS/OUTREACH – Sandy reported that this workgroup also hasn't met since the last meeting. She spoke of their work on the IL brochure and the Champions of IL Awards. Again, some of this group will be off the SILC after the next meeting. ADVOCACY/INTERAGENCY COLLABORATION – Chuck reported that they've been looking at the SD Housing Authority website that may be used to locate available housing options in communities throughout the state. They are exploring ways in which the website might be strengthened in identifying accessible housing opportunities within communities. ASSISTIVE TECHNOLOGY/HOME MODIFICATIONS ASSISTIVE DEVICES – Dave Scherer provided the 1st portion of this report. He spoke to progress being made on the alternative financing program for assistive technology through a revolving loan program. DakotaLink is working through issues, and they are still optimistic that loan applications will be accepted beginning in July with the first loans being made in August. Thee Medicaid Equipment Recycle and Reuse (MEER) program pilot site is operating smoothly and an equipment drive is planned for April. There are no current plans to expand statewide. Dave spoke to the DakotaLink quarterly newsletter and Facebook page outreach efforts, as well as the AT Resource Directory placement on the DakotaLink website. Steve Stewart provided the 2nd portion of the report speaking to the usage of the TEDP (telecommunication equipment distribution program) and the TAD (telecommunication adaptive devices) program. He also spoke to a couple of pilot programs available – one pilot project to provide funding for interpreters if an organization or event is not covered by the ADA. This program covers small non-profits and others with the cost of interpreters – they've received and approved five requests and denied four requests thus far; the second is another pilot program to assist with interpreting services using mobile video interpreting services (MVIS) and is available to registered customers to assist with communication; thus far they've had 21 registered customers and 31 completed calls through this pilot. Steve also talked

about website accessibility, as well as the addition of home modifications assistive devices and vehicle modifications to some Medicaid waivers available in the state.

OTHER BUSINESS: Lyle asked for a moment to explain the importance of people referring to the various Native American reservations by their proper names. The example he gave was that it is the Cheyenne River Tribe, not the Cheyenne or Cheyenne Eagle Butte. All thanked him for drawing their attention to times when they have misspoken out of lack of understanding or knowledge.

CLOSING ACTIONS: FUTURE AGENDA ITEMS – The one agenda item raised at this time was “draft policies and procedures.” SCHEDULING OF NEXT MEETING – After some talking, it was agreed to hold the next meeting in Sioux Falls. Sandy will see if the meeting can be held at the SD Rehabilitation Center for the Blind. Staff will then check into lodging arrangements. Some suggested programs that the SILC might tour or hear from while in Sioux Falls, as well as tour the Rehabilitation Center, are: Project Search, the Medicaid Medical Equipment Recycle Program and Community Campus. Dates identified are meet the afternoon of June 19th and the morning of June 20th. Members traveling from a long distance will need two nights lodging. Chuck asked if there was any other business. Hearing none, **MOTION TO ADJOURN – MS.** Meeting adjourned at approximately 2:30 pm.