

Statewide Independent Living Council (SILC)
MINUTES
March 2, 2016
AmericInn of Ft. Pierre

MEMBERS PRESENT: Clarke Christianson, Gillian Plenty Chief, Craig Eschenbaum, Sarah Rush, Vicki Kerkvliet, Marla Bullbear, Kathleen McOwen, Bernie Grimme, Sandy Neyhart, Lorraine Polak/Tasha Jones for Vona Johnson and Tammy Kabris. Dave Miller and Monte Tschetter joined the meeting via phone at approximately 10:45 a.m. **MEMBERS ABSENT:** Isabel Trobaugh, Dave Scherer, Steve Stewart and Chuck Quinn. **OTHERS PRESENT:** Rich Eschenbaum, interested observer; Francey McOwen Standert, Katie's attendant; Chad Ratigan, WRIL Director; Bill Clucas, WRIL IL Services Coordinator; Matt Cain, ILC Director; Ronda Williams, DRS IL Program Specialist; Eric Weiss, DRS Division Director; Gaye Mattke, DSBVI Division Director; and Shelly Pfaff, SILC Staff. Interpreters were Ryan Stegge and Julie Paluch.

OPENING ACTIONS: Due to Dave and Monte not being able to be physically present, Craig as the remaining Executive Committee member presided over the meeting. Craig called the meeting to order at approximately 8:30 a.m. (CT). After welcoming everyone and inviting them to introduce themselves, Craig moved forward with the agenda. APPROVAL OF AGENDA – Craig asked if anyone had any changes to the agenda as mailed out. Hearing none, **MOTION TO APPROVE THE AGENDA AS PRINTED – MADE (M), SECONDED (S) AND CARRIED (C).** APPROVAL OF DECEMBER MINUTES – Craig asked for any changes to the "draft" minutes. Hearing none – **MOTION TO APPROVE THE DECEMBER MINUTES – MSC.** APPROVAL OF DECEMBER EXECUTIVE COMMITTEE MINUTES – Craig called for any changes to the December Executive Committee Minutes. **MOTION TO APPROVE THE DECEMBER EXECUTIVE COMMITTEE MINUTES – MSC.** APPROVAL OF FEBRUARY EXECUTIVE COMMITTEE MINUTES – Craig asked for any changes to this set of minutes. **MOTION TO APPROVE THE FEBRUARY EXECUTIVE COMMITTEE MINUTES – MSC.**

PUBLIC COMMENT PERIOD: Craig inquired if anyone in attendance wished to make public comments at this time. No one sought to do so.

DRS REPORT: Ronda Williams, DRS IL Program Specialist, provided the major portion of this report. She referenced the "Summary of DRS Reports – SILC 3/2/16) document, and a copy was handed out since the mailed copy was missing one page. Ronda highlighted items under the HMAD program, the Ramp program, Consumer Satisfaction Survey outcomes, and the IL Services Quarterly Report generated by the CILs. She also spoke to the IL Services data report, along with three reports based upon 704 Report data – county populations/IL services over 5 years, IL clients by county and 704 Report Summary and Trends. The final document she referenced was the IL Funding Chart. Ronda also shared that CIL reviews are presently underway – NAAP's review has been completed and ILC's review will be next week. She also gave an update on the ADLS Waiver amendment process, indicating that they remain in the public comment period of that process. Upon the conclusion of her reporting, Bernie Grimme, DRS Assistant Director, shared that he and DRS Director Eric Weiss had had a phone conversation with SILC Chair Dave Miller earlier, and two topics of conversation were how state and Part B funds are used in terms of supplementing Part C funds rather than duplicating them; and the need for increased involvement of the SILC in the contract process for their staff, which is presently provided through a contract between DRS and the SD Coalition of Citizens with Disabilities. Bernie shared and reviewed two documents – (1) Status of CIL Contracts as of 8 months of Services and (2) 'draft' attachments 1 and 2 of the BVR/SILC Support Agreement for the upcoming year. Contracts will need to be worked on in April, so there will need to be some determination how the SILC would like to participate in this process.

DSBVI REPORT: Sandy Neyhart, DSBVI Program Specialist, provided this report. BOARD OF SBVI ACTIVITIES – They met February 26th in Ft. Pierre. They are anticipating several changes in membership due to either pending term expirations of individuals ineligible for re-appointment or resignations. She shared that nominations will be due March 25th. The Board also spoke about again hosting a Disability Summit on one of the tribal lands. Once the Board has a tribal VR representative, they plan to work with that individual to plan such an event, and they will extend an invitation to the SILC, BVR and others to also participate. Catherine Greseth – Executive Director of the Black Hills Workforce Diversity Network has expressed an interest in being the Board of SBVI representative to the SILC. The Board will be holding a public forum in conjunction with the NFB State Convention in Rapid City on April 29th. SBVI has an agreement in place with

Media One to develop outreach materials with a focus on transition services for students with vision loss. This is a major focus of the Division and the Board. The Board will meet again on June 10th at the SD Rehabilitation Center in Sioux Falls. INDEPENDENT LIVING – OLDER BLIND PROGRAM – Sandy provided an update on the Electronic Video Magnification Lease/Loan program, including the status of the current equipment. They have been able to surplus old equipment, get new units into circulation and keep the total number available fairly steady. Presently they have 5 people waiting for units through the program. Sandy also addressed the Assistive Technology Access Program – a training project intended to provide assistive technology access training to individuals who had vision loss to maximize their ability to use their mobile devices and/or computers. A total of sixty-four individuals have been referred to the program. Fifty-one have completed training.

SILC STAFF REPORT: Shelly Pfaff, SILC Staff, provided this report on items arising after the mailings for this meeting. SILC BUDGET REPORT – Shelly presented this report as of January 31st. She identified that there will be over-expenditure in ‘staff travel’ due to attendance at the 2016 SILC Congress; otherwise she did not expect the other line items would experience total or over-expenditures. YLF FUNDING REQUEST – Shelly shared that staff had received a funding request from Dan Rounds, seeking support in the amount of \$2,000 for the 2016 Youth Leadership Forum to be held in Aberdeen in June. She and Bernie provided a very brief sense of the event. Shelly indicated that the SILC has provided some level of financial support for several years. **MOTION TO APPROVE THE AWARDING OF \$2,000 TO THE 2016 YLF – MSC.** Shelly shared that she would notify Dan of their decision. She also indicated that if they would like a student or students to present at an upcoming meeting, she would be willing to work with Dan to make this happen for them. NDEAM – Shelly explained that the SILC has collaborated with the Board of Vocational Rehabilitation and the Board of Service to the Blind and Visually Impaired to invite, select and support community based events annually held during October for National Disability Employment Awareness Month. The SILC’s previous member of the joint committee was Margot Burton. She is no longer a SILC member, so a new representative is needed if the SILC wishes to continue participating on the group. Craig asked for any volunteers. Upon receiving none, Craig agreed to fill this role. He has been involved with it in the past while serving on the Board of VR, and thus he is familiar with the commitment and work involved with it. Shelly then indicated that last year the SILC did provide \$1,500 in support of the NDEAM

activities, and she was wondering if they wanted to take any similar action this year. **MOTION TO AWARD \$1,500 IN SUPPORT OF 2016 NDEAM EVENTS – MSC.** NOMINATIONS PROCESS – Shelly explained that the nominations packets are due to be mailed out on Friday. They are a joint call for nominations from the BVR, SILC and BSBVI – a collaboration of the past several years. She encouraged members to think of people who might be interested in serving on the SILC. Shelly stressed that nominating people with disabilities is always very critical since a majority of the SILC membership, and voting membership, must be people with disabilities not employed by the DSE or a center for independent living. CIL STAFF TRAINING – Shelly explained that the agenda is falling into place. Dr. Jodi Owens will be providing a good portion of the training – What’s Happening on the Safety Front, Bullying Among Adults and Effective Strategies for working with people with borderline personality disorders; Asst. Attorney General Paul Cremer – What has changed as a result of the Elder Abuse Task Force – What should we be looking for; How do we report so it’s acted upon; as well as some sessions on SD Advocacy Services and the Client Assistance Program, TAD and EDP, ADLS Waiver and MAWD.

A brief break was taken so the next presenters could set up. Upon returning from the break, Craig introduced Dan Lusk, Director of the Division of Developmental Disabilities for their presentation.

DIVISION OF DEVELOPMENTAL DISABILITIES COMMUNITY LIVING

AND AT: Dan thanked the SILC for the invitation to come and talk about changes that are or will be happening in the delivery of services to individuals with intellectual disabilities/developmental disabilities living or seeking to live independently in their communities. He spoke to the implementation of “Conflict-Free Case Management” – referencing a PowerPoint presentation available at <http://dhs.sd.gov/dd/cfcm/>. The presentation covered:

- What is changing and why?
- What is case management and why is it important?
- Who is affected by the change?
- When will this change take place?
- How can conflict arise in case management?
- National Core Indicators Data
- Questions and Comments

Dan handed out a couple of one-page documents focused on "Conflict-Free Case Management" (see attached) directed to self-advocates and families and people with intellectual disabilities/developmental disabilities. Finally, Dan shared a copy of "Supporting Real Lives Across the Lifespan – Connecting Resources in South Dakota." This resource has been overwhelmingly received, as it has resources to assist from time of birth to death. It was a joint venture of the Department of Human Services, Department of Education and the SD Council on Developmental Disabilities. They are preparing for a new printing of it soon. At this point Dan turned over the presentation to Daryl Milner. Daryl is the Director of Budget and Finance for DHS. Prior to this position, he was with the DDD and worked significantly in the area of exploring the use of assistive technology to support people living independently with less need for direct staff support. Daryl explained the work of the DDD Technology Committee, and the pilot projects presently, or soon to be, in place to explore how assistive technology can support people living independently with less need for staff support. There are presently pilots operating through Black Hills Works of Rapid City, Community Connections, Inc. of Winner, and ECCO, Inc. of Madison. There will soon be a similar pilot with SESDAC, Inc. of Vermillion. They are starting these efforts by working with individuals who are willing and excited to try assistive technology. The technology ranges from the use of cameras to sensors, and they are all linked into a connection with "live" staff so if needs become apparent, they can be responded to in a timely manner. Daryl also spoke to a project they are working on with SD Parent Connection, which will fund 50 Ibis Care Systems with families. One aim of this pilot is to be able to identify early signs of medical/health needs so they may be addressed early on rather than once they have become major needs resulting in significant medical and/or hospital attention. Several members thanked Dan and Daryl for the information, and consensus was that it would be beneficial to hear back from them once they have data/information on outcomes from these pilot projects. Katie shared how she has used technology for over five years e.g., cameras and iPads, and how it has enabled her to live more independently within her own home with less on-site support at certain times of the day. She and her attendant shared how this new technology may provide even more opportunities for greater independence of Katie and family. A question was raised about how we respond to these needs in areas of "technology deserts"? It was affirmed that this is a much more difficult issue that all are aware of and do wish to see addressed.

PROPOSED BYLAW CHANGES: Shelly referenced the one set of Executive Committee minutes, and the conversation the committee had about adding a second 'member-at-large' to the committee. They see this as a means of strengthening efforts to mentor leadership within SILC membership. "Draft" bylaw changes were sent out, and according to current bylaws, they need to be shared at one meeting and cannot be acted upon until the next meeting; thus the reason for them being on the agenda today. Bernie noted one language change on the first page, he suggested DSU be changed to Designated State Entity. A question was asked if the language should read "client" versus consumer. Staff and a SILC member provided some historical background for the language. The questioner was only seeking clarification if the SILC is in agreement that this is the best term since they hear client, consumer, relative, participant... No response of the whole resulted from the conversation. It was agreed that members are invited to review the bylaws one more time for any suggested edits. The only one that will be able to be acted upon at the next meeting will be the one presented today. If other changes are agreed upon, they will need to be presented and acted upon at future meetings.

ELECTION OF OFFICERS: At this time Craig handed the gavel over to Dave, as Dave is the current Chair and he is not seeking to continue in a leadership position on the SILC. Dave shared that the Executive Committee has come with a slate of nominees for the three positions on the Executive Committee; he will also seek nominations from the floor per Robert's Rules of Order. Chairperson – Executive Committee nominates Craig Eschenbaum. Dave called for any other nominations. Hearing none – **MOTION THAT NOMINATIONS CEASE AND A UNANIMOUS BALLOT BE CAST FOR CRAIG AS CHAIRPERSON – MSC.** Vice-Chairperson – Executive Committee nominates Monte Tschetter. Dave again called for any other nominations. Hearing none – **MOTION THAT NOMINATIONS CEASE AND A UNANIMOUS BALLOT BE CAST FOR MONTE AS VICE-CHAIRPERSON – MSC.** Member-at-Large – Executive Committee nominates Vicki Kerkvliet. Dave called for any further nominations from the floor. Hearing none – **MOTION THAT NOMINATIONS CEASE AND A UNANIMOUS BALLOT BE CAST FOR VICKI AS MEMBER-AT-LARGE – MSC.** At this point, Dave turned over the gavel to the newly elected Chairperson – Craig.

WORKGROUP UPDATES: CONSUMER SERVICES – Bernie handed out a revised “Focus Areas” tracking document used by the workgroup. He reviewed accomplishment made thus far, identified tasks of high priority due to being related to the drafting of the new SPIL and other items of lesser priority. He indicated that the workgroup is seeking some clarification from the SPIL Committee on which items the workgroup should pursue and which the committee will take the lead on. HOUSING – There was no report from the workgroup. Lorraine and Tasha did report that SDHDA is presently in their public comment period for the Housing State Plan – it ends March 21st. It was explained that the plan involves the use of HUD, state and IRS funding. They will be hosting a public meeting via DDN on March 9th, and more information is available at their website www.sdhda.org. They also asked about the IL Survey Results, as they relate to the housing questions, and staff relayed the results thus far on those questions within the survey. Staff also indicated that an electronic copy of the survey results and comments had been sent to all SILC members. There was conversation about possibly drilling down further into the survey results, as appropriate, not only in the housing area. PUBLIC AWARENESS – Sandy reported that the call for nominations for “Champions of Independent Living Services” has gone out to the CIL Directors and SILC members. She affirmed that organizations and individuals are eligible for nomination, and CILs can nominate more than one organization or individual. Nominations are due March 31st. The proposed timeframe is to be able to select and announce the award recipients around the time of the next SILC meeting. The next workgroup activity is having staff work with CILs to begin gathering and readying ‘IL success stories’ for circulation via websites and social media, as well as newsletters and other mediums.

The Council broke for lunch at approximately 11:30 a.m. – reconvened at approximately 12:45 p.m.

Craig moved to the next agenda item – Governor’s Response to AT Report. Staff shared that Dave (M) was the individual prepared to speak to this, and since he has not yet rejoined the meeting via telephone; possibly the Council would want to move to the next item. Craig chose to do so.

SILC CONGRESS 2016: Craig started out this report by indicating that it was held in Phoenix in January. He, Ronda and Shelly attended, and it was a good opportunity to learn of changes and hear from other states. He then asked Shelly

to report, and she and Ronda provided various pieces of information. A breakdown of attendees was SILC staff (1/3), SILC members (1/3), DSE/DSU representatives (8) and CIL directors/staff (1/3). There were between 6 and 8 ACL representatives were present, including Director Bob Williams and other key staff. Some key points expressed were:

- Purpose and SILC Authorities within the Act are very important, and the SPIL needs to reflect such.
- SILC has authority to supervise and evaluate their staff.
- Resource development by SILCs is an option; if doing it, it must be included in the SPIL; first will have to find out if State law precludes Governor appointed boards/councils from doing it.
- Systems advocacy is a SILC Authority.
- The SPIL needs to include goals and objectives that can be accomplished within the three years – also can be reviewed and revised annually.
- The language of the SPIL should reflect statutory intent but not restate it; needs to be in 'common language'.
- The SPIL is the "state's" plan for independent living.
- SPIL is due June 30th.
- Even though the SILC and CILs are charged with developing the SPIL, the DSE continues to be a partner and should be involved, as well as other stakeholders.
- Determining a DSE is an action not a passive activity e.g., not enough to assume the current DSU will automatically become the DSE.
- The responsibility of the 704 now falls on the SILC not the DSE – SILC and CILs work together on the 704, and the SILC will submit it.
- SILC Standards and Indicators are being developed – proposed ones were written in December 2015.
- 1.8% to 2% of Part B funds will be taken off the top before awards being made to the States, and these funds will support the national SILC TA activities.
- Emergency Preparedness was a major focus of several SILCs and some approaches were shared during the Congress.

GOVERNOR'S RESPONSE TO AT REPORT: Dave had rejoined the meeting, and Craig asked him to take the lead on this conversation. Dave shared his concern that the Governor only spoke to one portion of the disability community

in his response, when the report had recommendations for the broader community, and the fact that even though the letter was shared with DHS Secretary Pearson, no response has been received from her. He wasn't sure if or what the next step of the SILC might be in response to this reality. Another SILC member also raised concerns about the limited context of the Governor's response. Eric Weiss, DRS Director, asked to address these concerns. He shared that he and DSBVI Director, Gaye Matcke, met with Secretary Pearson on the report. Work is underway to develop a report on what AT is currently available to members of the disability community statewide, and how greater outreach can be done to ensure they are aware of existing resources that may be of assistance to them. The initial group working on this report will be comprised of representatives from DRS, DSBVI, DDD, Department of Education, Department of Social Services, and it may or may not inform the AT State Plan. Their focus is specifically on how AT is and can impact independent living for persons with disabilities. After this core group develops a 'draft' report, the plan is to share it with a larger group. This larger group will include persons with disabilities, family members, advocates, disability organizations and more. Eric commented that he does not believe the Governor's response precludes this effort from looking at the bigger picture. Dave commented that he was heartened to hear of this effort. Consensus was that the SILC would like to continue to receive updates on the progress of this effort.

SPIL DIALOGUE AND WORK: COMMITTEE UPDATE – Dave provided the update as chair of the committee. He reviewed the process thus far, and then he asked Shelly to review the purpose and authorities within the Act relating to IL and the SILC. Next, Dave spent time talking about the results of conversations with the CIL Directors, and staff will send out the summary of these conversations following the meeting. The committee worked from these conversations and identified three goal areas, and then asked Dave to draft them and some related objectives. This document was handed out at this time (see attached). Dave reviewed each "draft" goal and objectives individually. Some points raised in the resulting dialogue from the initial review of this document were:

- We need to add teaching IL staff the IL philosophy before we teach individuals served.
- Explore if the issue of use of IL plans vs waivers tells us something about who decides what is needed or if services are needed.

- We need to identify a consistent way to teach self-advocacy statewide before we can evaluate it.
- There is a need to ensure that various funding sources do not duplicate funding of services or positions, rather supplement.
- Housing and Transportation, systems issues, are critical pieces of the picture for people living independently. SPIL needs to address both in some way with goals and objectives.
- The current “draft” document is a work in progress; using it as such, the SPIL Committee could invite input.
- Public meetings will need to be held, and they must have 30 advance notice.

Dave shared in relation to the third “draft” goal that he had met earlier, while still SILC Chair, with DRS Director and Assistant Director. They discussed the need to ensure funding supplements vs. duplicates funding of services, staff. **MOTION THAT LANGUAGE IN THE SPIL REFLECTS THAT PART B AND OTHER FUNDING IS USED TO SUPPLEMENT THE USE OF PART C FUNDS IN THE DELIVERY OF SERVICES RATHER THAN DUPLICATE – MSC.**

At this time, SILC staff asked the Chair how he would like to proceed since the time of adjournment was quickly approaching, and the agenda as approved would seem to take longer if the remaining items were thoroughly explored. Craig asked what “needed to be done” today. Staff suggested action related to the selection of a DSE, and next steps in SPIL development e.g., public meetings, who does what portion, involvement of CIL Directors.

MOTION REQUESTING THE DRS BE NAMED AS THE DESIGNATED STATE ENTITY (DSE) – MSC. Consensus was that two public meetings will be held – one face-to-face and one via DDN with various locations statewide. SILC and DSE staff were given approval to work out arrangements to ensure adequate public notice is provided per regulations. In terms of CIL Director involvement of writing the SPIL, it was agreed that they would work from the current draft, and on March 21st will participate in a conference call with the SPIL Committee to discuss their input for the SPIL. The call will be held at 3pm (CT), and staff will put notice out on the call and call-in steps. The SPIL Committee was identified as taking the lead on developing the SILC Resource Plan.

OTHER BUSINESS: Craig asked if there was any other business. Hearing none he moved on with the agenda.

CLOSING ACTIONS: FUTURE AGENDA ITEMS – The SPIL and bylaw revision were identified for the next agenda. Consensus was that the SPIL will most likely take up a good portion of that meeting. SCHEDULING OF NEXT MEETING – The SILC determined June 1st as the date of their next meeting. They asked for it to be scheduled in Pierre/Ft. Pierre. Staff will work on arrangements and be in touch once they've been secured. ADJOURNMENT – Craig asked for a motion to adjourn. **MOTION TO ADJOURN – MSC.** Meeting adjourned at approximately 3:10 pm.