



811 E 10th Street Dept 21
 Sioux Falls, South Dakota 57103
 605.773.6369 1-800-265-9684

**Minutes of Meeting
 January 6, 2025**

SD Council on DD Office, Sioux Falls and Zoom

Members Present on Zoom:

- | | |
|-------------------------|----------------------|
| Barb Abeln | Tania Kostal |
| Katie Armstrong | Nicole Meyer |
| Bob “Skippy” Blechinger | Shawnie Rechtenbaugh |
| Melanie Boetel | Amanda Roberson |
| Kevin Dunn | Wendy Trujillo |
| Toni Feist | Cole Uecker |
| Bernie Grimme | Sara Valle |
| Val Husby | Nichole Winckler |
| Kristy Jackson | |

Others Attending in Sioux Falls/Zoom

- | | |
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| Jessica Lamb | Jenna Howell |
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INTRODUCTIONS

Val Husby, Chair, called the meeting to order at 1:00 PM. Roll call was completed. The mission statement was read, and the meeting agreements were reviewed.

All members were asked to introduce themselves, their role on the Council and share their favorite DQ Blizzard flavors, since it’s Blizzard season.

APPROVE AGENDA & MINUTES

Due to unforeseen circumstances, the agenda had to be amended due to the presenter of the grant being unable to attend. Cole Uecker made a motion, seconded by Kevin Dunn, to approve the amended agenda. Motion passed.

Bernie Grimme made a motion, seconded by Amanda Robenson, to approve the minutes of the November 1, 2024 meeting. Motion passed.

BUDGET UPDATE

Jessica reviewed the Information Budget that she prepared. Jessica shared that the first Notice of Award for FFY25 (which began on October 1) has been received for \$116,788 for the Continuing Resolution through December 19. A new Continuing Resolution through March 14, 2025 has passed and Jessica shared that there will likely be another Notice of Award for FFY25 coming.

The current available funds from FFY24 and FFY25 (estimated), when taking in to account all obligations not yet on the database, proposals that were funded from the November 1, 2024 meeting, and other potential projects/proposals for FFY25, there is a remaining \$80,049.82.

Nicole Meyer made a motion, seconded by Kevin Dunn, to approve the budget report as provided by Jessica.

DIRECTOR'S REPORT

Jessica provided an update on the Council website. It was determined that the RFP needed to be issued to the state system, which was went live in mid-December 2024. Proposals are due January 31. At the time of this meeting, Jessica shared there have been 2 proposals submitted, and a few companies that have let her know of their intent to submit proposals. Jessica noted that there could be a sub-committee created to review proposals and if

anyone was interested, they should let her know. Once created, the website and the social media pages might also require some type of social media policy from the Council to be drafted and volunteers to work on that committee would be necessary.

On Dec 2, 2024, the US Department of Labor announced notification of a proposed rule change called the Employment of Workers with Disabilities Under Section 14(c) of the Fair Standards Labor Act. Section 14(c). Section 14 (c) allows employers to pay people with disabilities under minimum wage. There are currently about 801 employers in the nation employing about 40,000 workers with disabilities under Section 14(c). Jessica shared the US Department of Labor is taking public input on this proposed rule change until January 17 and would send the link out to members.

Jessica also shared information about the ABLE Act having reached it's 10-year anniversary. ABLE accounts allow people with disabilities to save and invest money without effecting their eligibility for certain public programs, like Medicaid. There are approximately \$2 billion dollars in ABLE assets nationwide.

Jessica shared some updates from the Family Support Council meeting that occurred in December, including the proposed Waiver Amendment, which would provide flexibility and investment around assistive technology and specialized therapies, make eligibility clearer, reinforce the Charting the LifeCourse Framework, and as a policy change opportunity to develop financial eligibility guidelines in plain language. It was shared that there are about 145 individuals who have been pre-screened for Family Support 360 services and "been found likely" to be eligible and are awaiting a service coordinator.

Jessica also noted some of the activities she has been working on in her first weeks with the Council, including attending Grants Management workshops, taking over Arlene's positions on

various committees / groups, and preparing for upcoming trainings.

UPDATE ON ANNUAL REPORT / STATE PLAN 2027-31 PLANNING

Jessica shared that Arlene has completed most of the FFY24 Annual Report that will be due in March 2025 (delayed because there is no mechanism currently available for ACL to receive the report). Jessica still needs to update some portions of the document related to budget and will share the full report with the Council when it is complete.

Jessica discussed the progress of the goals and noted that there are some areas that will require intentional focus in FFY25, including centering on mental health and people with I/DD, supporting caregivers, and exploring more activities to meet the needs of transition age youth.

The new State Plan for 2027-2031 planning process needs to begin and Jessica shared a document with a tentative timeline of activities for creation of the new state plan with the Council. Council members were asked to start considering areas for development and the process for obtaining stakeholder feedback was discussed. The new State Plan will be due in August, 2026.

LEGISLATIVE UPDATE

Jessica noted that there have not yet been many bills introduced for the upcoming legislation. Jessica said that, at the Federal level, the Autism Cares Act was signed by President Biden recently. These monies help support activities such as LEND, research, and training.

Cole noted that he hasn't been made aware of many bills yet either, but that there are some conversations – at both the state and federal levels – surrounding the topic of school choice. There was some Council discussion that centered on potential

implications for students with disabilities concerning school choice. Cole also informed the Council that members can find bills out on the Legislative Research Council page as they come in for the 2025 session.

Barb informed the Council that Senate Bill 4 is authorizing the DHS to discuss a sale of a parcel (approximately 20 acres) of the South Dakota Developmental Center, which includes two buildings that are no longer being used in addition to the land.

Bob “Skippy” brought up the discussion around the dismantling of the federal Department of Education and wanting to know how that affects people with disabilities in terms of funding. It was noted that is too early to tell, as things have just been mentioned, and it’s something to keep a watchful eye on.

MEMORANDUM OF UNDERSTANDING (MOU)

Jessica reintroduced the topic of the MOU between the Council and Department of Human Services. Jessica introduced Jenna Howell, Counsel for Department of Human Services, who gave the Council a general overview of the MOU.

There was some discussion on the meaning of “administration” in the first paragraph under the “BACKGROUND AND PURPOSE” section. Cole noted that it sounds like the State provides logistical and administrative support to the Executive Director position and sought clarification about how the position is now (i.e., is the Executive Director is an employee of the Council and supported by the State or is the Executive Director a state employee?) The Executive Director is a state employee, Jenna noted.

Cole noted concern that the independence of the Council and the leadership thereof still having autonomy to complete the Council’s mission and federal obligations. He noted that he doesn’t want the Council prevented from pursuing their advocacy work just because the position of the Executive Director now lies within the

state. Jenna noted the only issue surrounding the Executive Director from the view of the State would be if the person in that position broke state or federal law.

Jenna noted that the Executive Director is a state position, but they are not assigned work from the Department of Human Services, in accordance with the MOU.

It was noted that Cole wasn't necessarily recommending a change in language for the MOU, just seeking clarification on behalf of the Council.

Bernie noted that there was an employer prior (Teachwell) and that many of these things were probably in place with them as well. Cole did acknowledge Bernie's comment, but also noted that those places of employment wouldn't have a way to take action against the Executive Director in the case of conflict when ideologies around advocacy work might arise the same way.

With no further discussion on that portion of the MOU, Jessica asked the Council if they want to move forward on a vote on the MOU and if they want to vote on the MOU, do they want to add the Chairperson to sign the MOU in addition to the Executive Director. Jenna noted the MOU is between the Council on Developmental Disabilities and the Council. Sara noted she would feel comfortable having the Chairperson and the Executive Director both sign the MOU.

Jessica asked if a new chair is elected, would new signatures need to be obtained, or would it be fine for the 5-year agreement. Jenna noted we would leave it.

Bernie made a motion to sign the MOU and add the Chair's signature to the document. Sara seconded the motion. A roll call vote was conducted and it passed unanimously.

BYLAWS

Jessica presented another draft of the By-law changes, noting we will not vote on them at this meeting. Most of the changes have been grammar-related, noted statute/executive order number changes, or names of agency changes.

Jessica went through the first several pages of the draft, there was some discussion in Attendance (Section 3) and proxy information. Jessica noted how Arlene mentioned removing the proxy information. When talking about voting (pg 6) there was more verbiage about proxy. Jessica asked the Council if they wanted to allow to proxy voting or remove it or if they had any historical context about proxy voting in the past.

Bernie noted he doesn't remember it voting by proxy ever coming up. Sara thought that was correct, that historically, people read ahead and wanted to vote ahead, but that was not allowed. Cole brought up open meeting laws and how that practice could interfere. He liked the idea of a proxy but hasn't seen it really utilized on a Council. He talked about the attendance requirements of boards/councils.

Jessica read the current attendance policy on page 4 of the draft bylaws for the Council. Wendy felt her role felt under proxy. Jenna noted that governor appointed designees are different than proxies.

Sara is concerned about people using a proxy (implies knowing your vote ahead of time), because she noted that discussion has helped change her mind on the topic and thinks attendance is critical.

After further of discussion on keeping proxy voting/attendance, Bernie and Cole recommended striking this section from the Bylaws. Jessica talked about Section 5 on Page 6 (voting in other formats) and had Jenna explain that almost all meetings

are held remotely and that the Council might want to consider changing that wording to note some of our meetings are remote so we don't require executive committee approval and reconfirmed by the full Council at the next meeting.

Jessica stated she would work with Jenna for some final revisions that we could vote on at future meeting. Bernie did bring up the Conflict of Interest portion of the Bylaws. He thought there has been updated information to that Conflict of Interest policies that we may need to update. Jessica and Jenna will look further into this.

PUBLIC COMMENT

No one from the public was present.

Val Husby provided an update to the Council on the Video Project she has been part of with the Brandon Valley Schools.

Jessica noted the Supporting Families Community of Practice Annual Meeting and Charting the LifeCourse Showcase is April 29-May 1 in Kansas City, Missouri.

Cole Uecker noted Disability Day at the Capitol is Feb. 25th, 2025, approximately 8:00 AM - 12:00pm.

Next Meeting

The Council is looking at Thursday, April 24th, right before Partners in Policy Making graduation for the next meeting, but Jessica will send out a Doodle poll to finalize the date/time.

Adjourn

Toni Fiest made a motion to adjourn, seconded by Nicole Meyer, to adjourn the meeting at 3:48 p.m. Motion passed.