

Board of Vocational Rehabilitation
September 12 – 13, 2018
AmericInn of Ft. Pierre

Members Present: Eric Weiss, Kristina Allen, Beth Schiltz, Jolleen Laverdure, Lisa Sanderson, Kendra Gottsleben, Joe Vetch, Brad Konechne, Patty Kuglitsch, Peter Bullene and Kevin Barber; **Members Excused Absence:** Kristi Eisenbraun, Cole Uecker, Kim Ludwig (formerly Hoberg), Colleen Moran and Bill McEntaffer; **Others present:** Bernie Grimme, DRS Assistant Director; Dave Allen; Shelly Pfaff, BVR Staff; Interpreters – Julie Paluch and Rick Norris.

NEW MEMBER ORIENTATION: Patty welcomed those who came to participate in this portion of the meeting – Eric, Kristina, Beth, Lisa, Kendra, Peter and Kevin. She invited Eric Weiss – Director of the Division of Rehabilitation Services (DRS), to start. He asked all to introduce themselves and share a brief fact about themselves. At the conclusion of introductions, Eric moved into a Board Orientation presentation (see attached). Key aspects of the presentation were: an overview of the Department of Human Services, an overview of the Division of Rehabilitation Services, an explanation of the five main program areas within DRS, history of the Rehabilitation Act, the Board of Vocational Rehabilitations (Board or BVR) Role, the benefits the Board brings to the vocational rehabilitation (VR) program and Board responsibilities, including evaluating the VR program effectiveness. Eric then invited Shelly, BVR Staff, to go over a few items. She reviewed the contents of the new member manual, which had been sent out earlier, the Board’s standing committees and activities, the State of South Dakota’s Boards and Commissions Portal and reimbursement paperwork and procedures. Both Eric and Shelly invited new members to be in touch at any time, with questions they might have about any information shared or workings and information related to serving on the Board. Patty thanked Eric and Shelly for their presentations. She called for a brief break until the starting time of the full Board meeting.

OPENING ACTIONS: Patty, Chairperson, called the meeting to order at approximately 2:15 pm. She invited all to introduce themselves and share a new fact about themselves. Following this, Patty moved to the next item. She shared a need to amend the agenda – removing the “Recognition of Outgoing Member” due to his inability to be present, adding “Renewal of Coalition Membership” and changing the Business Specialist Report to being given by Eric due to Kim’s absence. **MOTION TO APPROVE THE AGENDA AS AMENDED – MADE (M), SECONDED (S) AND CARRIED (C).** REVIEW AND APPROVAL OF JUNE MINUTES – Patty asked if there were any changes to the draft minutes. Hearing none – **MOTION TO APPROVE THE MARCH MINUTES AS MAILED – MSC.** REVIEW AND APPROVAL OF AUGUST

EXECUTIVE COMMITTEE MINUTES – Patty asked for any changes. Hearing none –
MOTION TO APPROVE THE MAY EXECUTIVE COMMITTEE MINUTES – MSC.

PUBLIC COMMENT: Patty asked if anyone present wished to make public comments. Lisa asked to share information on three upcoming training sessions sponsored or co-sponsored by SD Parent Connection. They are: Serving on Groups That Make Decisions: A Workshop for Families; Understanding Student Mental Health in Today's Schools; and When Schools Call – Addressing Responses to Behavioral Challenges. Patty shared information on a program entitled, "Growing Up Deaf" that would be airing on A & E this evening, and that September is Deaf Awareness Month. She encouraged people to view this program. Seeing no other request to make public comments, Patty moved to the next agenda item.

DRS DIRECTOR'S REPORT: Eric began by thanking the members for coming, and he expressed a separate "thanks" to new members for their willingness to serve. He shared a couple of updates relating to DRS staff. The first was the tragic death of one of their Yankton staff, her husband and youngest child. They were killed in an auto accident over the 4th of July; their oldest child survived; this has been a difficult time for that office staff and the entire DRS staff. The second was the marriage of Kim Hoberg – now Kim Ludwig – which recently took place. PRIOR APPROVAL – Eric explained that he was providing information on this topic because it is a topic of discussion within VR agencies nationwide. The Rehabilitation Services Administration (RSA) – federal partner of the VR program – must follow the Office of Budget and Management cost principles. One principle relates to prior approval of certain grant expenditures. This has added some complexity to one-time purchases e.g., vehicle modifications, equipment when the cost of one item exceeds \$5,000. DRS has requested some adjustment to this process, and they are awaiting approval. He will keep the Board apprised of any changes related to this issue. RE-ALLOTMENT – Eric explained that every year some states do not use all of their federal funds. Quite often this is due to them not being able to match all the funds they have been awarded. Once a year, states inform RSA if they are not going to be able to fully spend their funds, at which time those funds become available to other states that have need for additional funds. Last year, DRS requested and received an additional \$500,000 in re-allotment funds. Any funds received through this process must meet the same match and expenditure requirements as initial grant dollars. This year they requested \$100,000 and have been notified that they will be receiving it. South Dakota has never relinquished funds. There have been years when they have not received any re-allotment dollars. The State Legislature, Governor and other Leadership have always been very supportive of the VR program. BUDGET – Two major uses of federal funds are for personnel and operating costs of the VR program. Eric explained that it is difficult to predict how much will be needed for case services in an

approaching year. During the past three years, case service expenditures have been at an all time high. There are pros and cons to this reality – pro is people needing services are receiving them; con is this rate of expenditure is not sustainable over the long haul. A trend is an increase in serving youth and students with disabilities. The number of total applicants has been going down, consequently staff has more time to do outreach. These types of changes often lead to a need for workload redistribution. Recently DRS moved one position from Rapid City to the Sioux Falls office to address shifting workload needs. DATA REPORT – Eric explained this report has been shared with the Board annually. Previously it was done on a federal fiscal year basis. As of July, the data is reported quarterly, and the report will now be completed on a state fiscal year basis. He expects it will be completed within the next month or so. VISION 2020 – DRS and other VR agencies in the country are members of the Council of State Administrators of Vocational Rehabilitation (CSAVR). Vision 2020 is a focus of CSAVR which promotes (1) recognizing the VR program has two customers – people with disabilities and employers; (2) using data and technology to improve services; (3) quality services and staff expertise; and (4) collaboration with partners. The CSAVR Executive Director will be at the Fall Conference to talk about this initiative with DRS staff and others. It is an effort to ensure that VR remains current with changing times and changing needs. This concluded the report. Patty thanked Eric for his report and called for a fifteen-minute break.

VR INITIATIVES: Bernie Grimme, DRS Assistant Director, provided this report. **APPLICATION PACKET** – Bernie shared they are working on revising the information packet provided to individuals when they apply for VR services. DRS is working with Epicosity on the folder design and other marketing items. A folder was handed out. Staff is working on the materials that will be included within the packets. He expects to have those materials available at the next meeting. He referred items in the folder today – (1) Fall Conference information – encouraging members to let staff know if they wish to participate; (2) Listing of Schools which have been involved with Project Skills and have signed or are presently being sought to sign contracts for this year; and (3) a page on Section 511 of the Workforce Innovation and Opportunities Act (WIOA), which relates to sub-minimum wage certificates as an employment outcome. **PROJECT SKILLS** – This is a paid work experience program for secondary students with disabilities. It has been a successful program for over 20 years with about 450 students participating annually. Schools provide job placement/job coaching services. New contracts are currently being processed for the schools. VR provides wages, workers comp and FICA. **SECTION 511** – Secondary students with disabilities cannot work at subminimum wage. Youth with disabilities (not in a secondary school and under the age of 25 years old) cannot begin subminimum wage until they have accessed VR services, their VR case is closed and they have received Pre-Employment Transition Services. Individuals who begin subminimum wage need a

review at six months, then by the 12th month and annually. Bernie spoke to the role VR has in this process, and the way in which DRS has carried it out. He reported that they are in their third year of reviews. **CUSTOMIZED EMPLOYMENT** – Bernie explained that this concept has been around for over a decade. DRS has done a number of trainings on it during the past years, but it was never defined in the Rehabilitation Act or related regulations until under WIOA regulations. The existing definition is vague, and nationally, VR agencies believe it needs to have a well-defined service description. DRS has identified three pilot projects that are implementing changes using customized employment – ADVANCE in Brookings, LifeQuest in Mitchell and LifeScape in Sioux Falls. DRS is working with these projects, as well as with the Workforce Innovation Technical Assistance Center and Griffin-Hammis Associates to continue receiving and developing training and models for the delivery of this service in SD. **LYFT SERVICES** – DRS has been exploring ways it may purchase needed transportation services for those served by using Lyft vs. a cab. They are piloting a procedure using a State credit card to purchase travel cards. They hope to have more information on this pilot at the Fall Conference. This concluded the report. Patty thanked Bernie for his report and moved to the next agenda item.

STATEWIDE INDEPENDENT LIVING COUNCIL (SILC) UPDATE: Eric explained that he is now the BVR member who serves on the SILC, so he will provide this report at upcoming meetings. He invited Bernie to assist him in providing today's report, since Eric was not at the last SILC meeting. Bernie was a SILC member and did participate in the last meeting. He reported the SILC met in June at the SD Rehabilitation Center for the Blind. Their agenda is similar to the BVR agenda in that it has standing reports e.g., DRS IL Program Specialist Report. Jennifer Guether provides this report, and she did so at this meeting. At this time, Darryl Millner and Katherine (Katie) Tostensen, Division of Developmental Disabilities, joined the meeting. Eric offered to delay the remaining portion of this report so they could provide their update. Patty welcomed them and invited Darryl and Katie to come forward and provide their update.

DIVISION OF DEVELOPMENTAL DISABILITIES – UPDATE ON EMPLOYMENT SERVICES: Darryl is the Division Director. He began by providing an overview of the CHOICES WAIVER and of recent changes made to it. He spoke specifically to changes in employment and daily life service definitions, and the reasons behind those changes. Darryl then turned to Katie to review the CHOICES Daily Life and Employment Toolkit (see attachment). "The services outlined in this toolkit are based on the belief that all individuals with developmental disabilities can work, have positive social relationships, and are supported to enhance their skills, interests and needs." Katie explained the services outlined were implemented effective June 1, 2018 as

part of the CHOICES waiver renewal. The major service areas are: (1) Individual Supported Employment; (2) Group Supported Employment; (3) Career Exploration (formerly Prevocational); and (4) Day Services. Katie reviewed different aspects of each service, as well as related items such as participant compensation and transportation. Since these changes were just implemented in June, it is early in the process, and limited data is available to determine what impacts may be resulting from these changes. Several questions were asked, and consensus was that more work is needing to be done to ensure these services are implemented in a way that embraces the intent of the changes. Darryl spoke to their vision for the future of those served, and it was agreed that it would be beneficial to continue dialogue between the BVR and Division as more time passes. Patty thanked Darryl and Katie for coming.

SILC UPDATE CONTINUED: Eric and Bernie spoke to the fact that SD now has two centers for independent living. Native American Advocacy Project (NAAP) relinquished its Part C independent living funds and no longer is a center for independent living. This led to significant dialogue on what is happening for people on the nine nations and the funding that had been going to NAAP. It was explained that the funds were divided between WRIL (Western Resources for Independent Living) and ILC (Independent Living Choices). Both are serving portions of the area previously served/covered by NAAP. WRIL is presently serving the Oglala Sioux and Rosebud Sioux Nations with existing staff. ILC has a new staff person in Mobridge, and that person is serving the Standing Rock Sioux and Cheyenne River Sioux Nations. The Administration for Community Living (ACL) issued a request for proposal for these grant funds – which if awarded would be used to serve all eligible people on all nine nations. DRS knows of one entity in SD that submitted a proposal. No word has been received on the outcome of this process. The SILC also worked on policies required as a result of regulation changes. They received various reports, including one on the durable medical equipment recycle program run by DakotaLink. The SILC's next meeting is next week in Watertown. This concluded the report. Patty thanked Eric and Bernie for the report.

Patty called for the meeting to adjourn for the day at approximately 4:45 pm – reminding all they would begin at 8:30 am tomorrow morning.

Patty called the meeting to order on September 13th at 8:30 am. Due to three members joining this morning – Bill McEntaffer, Cole Uecker and Kristi Eisenbraun (via phone) – Patty invited all to introduce themselves.

CHANGES TO GRADUATION REQUIREMENTS: Linda Turner, Director of Special Education Programs, South Dakota Department of Education, was present to address this topic. Patty welcomed her to the meeting and invited her to make her

presentation. Linda's presentation (see attached) had four main components: (1) a timeline of the process leading up to the recent changes; (2) an overview of those changes; (3) the expected or potential impact changes may have on students with disabilities; and (4) future steps as these requirements are implemented by schools statewide. Linda also handed out a one-page document comparing the previous requirements to the new requirements (see attached). She explained that the most recent changes prior to these were in 2009. As of this week the Department of Education is starting to distribute materials relating to the changes. Linda expressed that the flexibility the new standards provides does not mean there are lowered expectations for some students. High expectations continue to be held for all students, and the flexibility is seen as a way to support students in reaching their goals. Some questions and answers followed the presentation. Linda invited people to be in touch with her in regard to students with disabilities and their needs. She invited them to be in touch with Andrea Diehm, also with the Department of Education, with questions specific to the graduation requirements. Linda will provide her presentation to BVR staff, and staff will send it out to members. Patty thanked Linda for coming, and she called for a brief break at this time.

POST SECONDARY SUPPORTS FOR YOUTH AND STUDENTS WITH

DISABILITIES: Patty invited Eric and Bernie to address this topic. Before doing so, Eric asked to address an item he had intended to include in his Director's Report.

CONSUMER SATISFACTION SURVEY PROCESS – Eric shared that DRS staff has been talking about earlier conversations the BVR has had on this process. Two areas being discussed are how to increase the response rate and how to gather information from individuals whose cases are closed as unsuccessful. In regard to the response rate, they discovered that some data had not been entered into the system. A priority is to get this entered and see if the response rate is impacted by doing so. DRS needs and wants input, and they are considering if there is a way to use email to reach non-responders. Their 1st priority is to increase the response rate, and they are open to ideas as to how they might accomplish this goal. One suggestion made was that the survey come from the BVR Chairperson rather than the Division. In terms of gathering input from those whose cases are closed unsuccessful, there is uncertainty as to what questions to ask and what process to use to gather this feedback. Eric said that DRS welcomes the BVR consumer services committee taking a look at the consumer satisfaction survey process, as well as the instrument. Consensus was that DRS will provide BVR members with a sample of the survey instrument, as well as an outline of the survey process. This will be a topic for the December meeting agenda.

In looking at data relating to post-secondary supports provided to youth and students with disabilities, DRS has seen a significant increase in applications from these populations. DRS has also seen a significant portion of case service expenditures

directed towards post-secondary supports of all ages. Approximately 300-400 people per year receive post-secondary supports, and over \$1 million dollars of case service dollars support these services. Under WIOA, 15% of the VR grant must be used for pre-employment transition services for students with disabilities. Presently there are several initiatives in the state addressing the needs of youth 19 to 21 years of age. Aberdeen's program – Transition Learning Campus – is located on the campus of Northern State University. It has 12 students this year. Augie Access is a program on the campus of Augustana University in Sioux Falls. It is for students with intellectual or developmental disabilities and has had five students each of the past three years for a total of 15 students. They are expecting eight students in the 4th year. LifeQuest in Mitchell has had a program working with Dakota Wesleyan University. This program has two to three students a year participate. The students are individuals with IDD. Dakota State University has an internal program – The Strong Program – which is part of their Disabilities Services, and it provides supports to students with autism. This program has supported around 25 students per year. Bernie addressed the reality that calculating and funding post-secondary services is probably the most complicated process in the VR experience due to the many variables involved and the resulting situations each individual brings to the process. He shared the Program Guide addressing “Financial Participation Requirements for Secondary and Postsecondary Training Program”. Eric and Bernie then shared several individual examples of students served by DRS in an effort to show how individualized each situation is and the variables involved with each one i.e., four year vs. technical school; private vs. public school; accessing a 19-21 program; student receiving SSA benefits vs. not receiving benefits. Upon the conclusion of their presentation, a significant conversation followed primarily surrounding DRS policy on funding supports for comprehensive postsecondary programs (CPTs) such as Augie Access, and potential for inequitable funding for adult students with intellectual disability (ID). This dialogue was initially brought forward by Lisa, member and CDC's Act Early Ambassador to SD, and later by Cole Uecker, member and Client Assistance Program Director. Specific issues cited included: VR determination that Augie Access is not a degree seeking program is an unnecessary barrier to access funding as authorized in the WIOA preamble; the impact of categorical denial such as “not a degree seeking program” – an arbitrary limit on the nature and scope of VR services that seems inconsistent with ensuring individualized plan for employment that meets rehabilitation needs of each individual; denial of financial support for CPT classes because they are determined not to be directly related to work skills development or employment goal; yet students in postsecondary programs often are required to take courses not directly related to their employment goal, yet they receive funding; is a different standards being applied to students with ID? Lisa referenced the July 2018 publication “*Addressing the Policy Tangle: Students with Intellectual Disability and the Path to Postsecondary Education, Employment and Community Living*,” Lee, S.,

Rozell, D., & Will, M. Washington DC; Inclusive Higher Education Committee. This report highlights implementation issues that are leading to the denial of VR services for students with ID in postsecondary education. After significant dialogue, consensus was that Lisa and Cole will draft a document for the BVR to consider on this subject that might then be forwarded to the Rehabilitation Services Administration seeking guidance and clarification. This item was identified as an agenda item for the December meeting. Lisa was also asked to provide a link to the article she referenced so it can be shared with all BVR members. Patty thanked all for the dialogue and moved to the next item.

BUSINESS SPECIALIST REPORT: Eric provided this report. He shared information from the 2018 VR Summer Initiative Summary (see attached) and briefly addressed a few items on it. Next, he spoke about the Ability for Hire campaign and work that is underway to focus marketing efforts on reaching businesses. The goal is to have businesses reach out more to the Department/Division as a resource with their employment needs at this time when workforce needs are a consistent unmet need statewide. Earlier commercials are being revised to air again, and more efforts are being designed for business outreach. Eric spoke briefly to the work of the Sioux Falls Business Resource Network and the Workforce Diversity Network of the Black Hills. He explained that new proposals for these projects will be solicited, as they are in their last year of a five-year contract cycle. Patty thanked Eric for his report.

A brief break was taken at this point due to remaining time running short.

BVR STAFF REPORT: Patty invited Shelly to provide her report. GOVERNOR'S AWARDS UPDATE – Shelly provided members with a listing of the 2018 award recipients and reminded them the ceremony will be held Tuesday, September 25th, at 10 am in the Capitol Rotunda with Governor Dugaard presenting the awards. A reception will follow at the Casey Tibbs South Dakota Rodeo Center in Ft. Pierre. She invited members to notify her if they wish to participate and that they will be reimbursed for travel expenses if they choose to participate. Eric also encouraged members to participate. NDEAM UPDATE – A report was handed out showing the communities hosting events and amounts approved, as well as the amount of carryover available from last year to support this year's events. Shelly explained that the SILC and Board of Service to the Blind and Visually Impaired would be meeting next week. Both will be considering contributions in support of these events. If they approve amounts similar to last year, and if expenses come in at the approved levels, the BVR will need to commit approximately \$4,000 towards this year's events. As flyers on the events become available, they will be shared with members. Again, members are encouraged to participate. If expenses are incurred to do so, they will be reimbursed. BUDGET UPDATE – A report was shared reflecting expenditures as

of the end of August. One additional expense Shelly was able to comment on was \$2,000 to Teachwell, which is in the payment process. This comes out of the BVR Strategic Planning funds. They approved it to support their staff participating in the International Project SEARCH conference. Shelly handed out reports from SD Parent Connection and Teachwell, following their participation in BVR supported activities. This concluded Shelly's report. Patty thanked Shelly for her report.

RENEWAL OF COALITION MEMBERSHIP: Patty brought forward that the BVR had received a membership renewal notice from the Coalition. They have been a member for many years. **MOTION TO RENEW THE ORGANIZATIONAL MEMBERSHIP WITH THE COALITION – MSC.**

CLOSING ACTIONS: FUTURE AGENDA ITEMS – Patty asked for items. Peter asked that at the beginning of each meeting, members be provided with information on five or six data point i.e., how many people were employed, how many applications were taken. He volunteered to work up an Excel spreadsheet to be used in providing this data. DRS staff will work with Peter on this, looking at the annual data report to determine what data points might be most beneficial to report on at each meeting. Shelly brought forward the two items noted earlier for the December agenda – consumer satisfaction survey process and support of postsecondary support for students with ID. She also said that the December meeting is typically when they act on their annual report to the Governor and RSA Commissioner, hear about any pending issues with the upcoming legislative session and consider the NDEAM request for proposal process. Consensus was to include these items in the agenda.

SCHEDULING NEXT MEETING – In recent years, the December meeting has been held via video-conference to avoid any travel problems due to winter weather. Staff was directed to send out a Doodle Poll with a couple of date in the 1st, 2nd and 3rd weeks of December to see what works best for the majority of members. The meeting will be scheduled to run from 1pm to 5pm (CT). Patty thanked everyone for their participation. Hearing no other business, she called for adjournment. **MOTION TO ADJOURN – MSC.** Meeting adjourned at approximately 12:10 pm.