

## **Board of Vocational Rehabilitation**

**June 19, 2019**

AmericInn – Teton Conference Center  
Ft. Pierre

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

**OPENING ACTIONS:** Patty, Chairperson, called the meeting to order at approximately 8:35 am. She invited all to introduce themselves. **REVIEW AND APPROVAL OF AGENDA** – Patty asked if all had had an opportunity to review the agenda. Due to the lack of a quorum being present, the agenda remained unchanged based on consensus. **REVIEW AND APPROVAL OF MINUTES** – This was postponed until the next meeting due to lack of a quorum. Shelly did highlight one minor edit that will be made prior to them being resent before the next meeting.

**ANNOUNCEMENTS:** Patty shared that South Dakota Association of the Deaf will be holding its biennial conference in Spearfish beginning Friday. She will have family joining her for this event.

**PUBLIC COMMENT:** Patty asked if anyone present wished to make public comments. Seeing and hearing none, Patty invited Eric to address the next agenda item.

**STATE PLAN:** Eric Weiss, Division of Rehabilitation Services (DRS) Director, thanked members for coming and their continuing commitment to the work of the BVR. He then provided some background on the State Plan. The Workforce Innovation Opportunity Act (WIOA) Unified State Plan went into effect in 2016. Revisions were made in 2018, and the State Plan involved other key partners under the Department of Labor and Regulation (DOL). It is now time to update it with a pending effective date of July 2020. The Workforce Development Council met recently and reviewed the plan's vision and goals. DRS and Division of Service to the Blind and Visually Impaired's (DSBVI) comprehensive statewide needs assessment (CSNA) are a next step for the Vocational Rehabilitation (VR) programs to take in preparing to make changes to their portions of the State Plan. Yesterday there was a meeting with core partners to talk about the vision and goals. It is expected there will be a final draft of the WIOA Unified State Plan later this calendar year with Title IV

(the DRS and DSBVI portions) – updated as well. Eric introduced Bob Jahner, consultant, who is carrying out the CSNA activities on behalf of the divisions.

**COMPREHENSIVE STATEWIDE NEEDS ASSESSMENT (CSNA):** Bob is a CSNA consultant from New Mexico, and he has over 30 years of experience in the VR program, primarily as field services manager in Montana. He assisted both South Dakota VR agencies with the completion of the CSNA previously. Bob spoke to the importance of the stories heard from those interviewed throughout the CSNA process, as well as the review of various data sources. A mix of both is best when exploring (a) what’s working best; (b) what needs to be preserved and extended; (c) who can’t be reached and what stands between VR services and them; and (d) what is needed in resources and skills to reach them. He spoke of examining what has happened in the past three years and what is needed in the next three years to continue to meet the needs of those seeking vocational rehabilitation services to meet their employment/ career goals. His interview process involves seeking comments on these topics, and his plan is to involve the Board in this type of process today. Bob shared that in his work, he has found that South Dakota is doing well – yet it doesn’t mean nothing needs to be done – there continues to be a need to move further, move forward. Bob moved on to address three roles for board/council members. First, he shared that people don’t get on boards/councils because they are indifferent; they get on because disability has impacted their lives; they can bring a perspective staff cannot bring and their perspective is a needed perspective. Second, they are able to learn from others that every person experiences disability differently. Third, it is an opportunity to work with others to have a fair, rationale, justified and administrative response to the needs of all people with disabilities seeking VR services. At this point, Bob broke the members into pair and asked them to spend time interviewing one another and recording each other’s responses. Doing so was designed to give each the opportunity to listen and to talk. The first question was “what constituency do you represent,” and the second was “what needs does your constituency have and what barriers exist to meeting those needs.” After some considerable time, Bob called the group together and asked them to report out. He also gathered their recorded notes, and this input will become part of the CSNA process. He concluded this time by indicating that in September he’ll be prepared to provide a general presentation of issues and trends, priorities of the disability community as it relates to goals of the VR program. He suggested when the BVR begins looking at revising the State Plan they limit their goals to four or five, if they expect to get things done. Patty thanked Bob for his presentation and facilitation of dialogue with the board.

Patty took a moment to introduce a guest – Deb Kuglitsch – her sister from Texas.

**SPECIAL EDUCATION INDICATOR 14:** Beth introduced Dr. Faye LaDuke-Pelster from Black Hills State University. Dr. LaDuke-Pelster provided a presentation based upon a survey of all students on IEPs who had graduated, received a certificate, dropped out or aged out as of 2018. She also explained the survey method of utilizing both mail and phone contacts. Following the presentation, Beth continued by handing out several pieces of information, as well as sharing a website where additional information of a greater depth may be accessed in relation to the survey (i.e., survey instrument, 2018 Statewide Report of 2016-2017 Exiters with Disabilities, State Reports, and 2018 SD Statewide Summary of Post School Outcomes of 2016-17 Exiters with Disabilities). There were several questions during and following the presentations, and members were invited to contact Dr. LaDuke-Pelster if additional questions came to mind following the meeting. Some suggestions were also made about possible changes to the survey based on the changing environment surrounding this population.

At 12:10 pm a break was taken for lunch. The meeting reconvened at 1:15 pm.

**DIRECTOR'S REPORT:** Eric thanked members for their ongoing commitment and participation. **BOARD APPOINTMENTS** – He reported that we are awaiting word on board appointments, and we expect to hear something this summer. Once word has been received, a revised board listing will be made available to all members. **QUARTERLY DATA REPORT** – Eric handed out the quarterly data report displaying data on all cases and on closed cases. In reviewing it, he highlighted that the total # served is down a little, while the number of applications per quarter has increased gradually over the past few quarters. Lower than average caseload sizes provide staff with the opportunity to do increased outreach to ensure referral sources are current on who VR serves and what services are available to those eligible for the services. **BUDGET UPDATE** – Next, he provided a budget update, reporting that the level of case service expenditures is down from the previous two years. This is to be expected due to the decrease in total # served, as well as timing involved with processing and payment of expenditures. Eric reported that the Social Security Administration (SSA) alleges that DRS has received a VR Employment Network overpayment. The overpayment is based on SSA's policy regarding receiving payment on closed beneficiary cases based on the Cost Reimbursement basis or the Ticket to Work basis. DRS has an email from SSA with policy clarification that supports the way in which they have been processing these claims for reimbursement. SSA has begun recouping the funds. DRS has appealed the decision even though an appeals process was not outlined by SSA, and the Department and Governor's office have been made aware of this situation. Eric does not know how this will be resolved. If the overpayment stands, it will have a significant impact on the DRS budget. **SUB-MINIMUM WAGE CERTIFICATES** – The final item Eric addressed

was the email to sent to members earlier about national dialogue on 14c under the Fair Labor Standards Act which allows for the provision of special wage certificates to pay some people less than minimum wage. The US Department of Labor, Office of Disability Employment Policy, had sought public comments, which were to close soon. Due to the amount of comments received, on all sides of the issue, DOL has extended the timeframe for the receipt of comments. VR services cannot be provided to an individual if their employment goal is sub-minimum wage employment.

**VR PROGRAM INITIATIVES:** Bernie Grimme provided this report. **SECTION 511 OF THE REHABILITATION ACT** – Bernie provided a handout explaining how under the WIOA there are new requirements for schools and employers/agencies who hold special wage certificates, commonly known as 14(c) certificates. He reviewed the prohibitions and requirements, and then he provided a chart showing the number of employees under such certificates in SFY2017, 2018 and 2019. In that three-year period, there has been a 33.08% decline in the number of individuals working at sub-minimum wage positions, for which DRS is responsible for reviewing the cases annually. **CUSTOMIZED EMPLOYMENT** – Bernie shared a brief historical overview of the roll-out of this service, as well as an update on its current status. Four agencies – Advance/Brookings, LifeQuest/Mitchell, Lifescape Adult/Sioux Falls and Pathways/Sioux Falls should have completed their training in July/August of this year. A second group of four agencies – SESDAC/Vermillion, DakotAbilities/Sioux Falls, SEMHC/Sioux Falls and VOA/Sioux Falls is beginning their training this month. Their first webinar is scheduled for July 18<sup>th</sup> and training provided by ACRE is scheduled for August and September. **ELECTRONIC FILES** – DRS is converting all VR client files to electronic format. They are using “File Director” as the software to complete this task. The Yankton and Rapid City District Offices have already completed their scanning of file. The remaining three districts are in the process of scanning their files. Once adequate time has passed and assurance is that all necessary information is in place electronically, the paper files are/will be professionally shredded.

**ELECTION OF OFFICERS:** Due to a lack of quorum present, this item was postponed to the Fall meeting. The current Vice-Chair, who continues to serve, will chair the next meeting until such time that a new Chair has been elected.

**CLIENT SATISFACTION SURVEY:** Bernie provided a report dated June 19, 2019, covering the current survey procedure, as well as numbers from FFY2019 1<sup>st</sup> and 2<sup>nd</sup> quarters, as well as data resulting from Survey 34 (survey of unsuccessful closures) for the 2<sup>nd</sup> quarter of FFY2019. It also addressed steps taken to increase survey response rates, pilot using email to notify unsuccessful closures of the survey and changes being worked on with State IT staff that will move the entire survey process to using email for those clients for which VR has valid email addresses (see handout).

## **COMPLETION OF DIALOGUE ON POST-SECONDARY EDUCATION PROGRAMS FOR INDIVIDUALS WITH I/DD:**

Lisa introduced this topic on behalf of the Client Services Committee, laying out what has taken place thus far and what has been prepared for the Board's consideration today. The members were provided with copies of a draft email that would be sent by DRS to Rehabilitation Services Administration (RSA) seeking clarification, which the committee believes is needed if there is to be any movement on this topic and related policy. The letter seeks clarification on four items – (1) Regulation Comments on pages 55678 and 55679 of the Federal Register / Vol.81, No. 161 / Friday, August 19, 2016 / Rules and Regulations; *Services for Individuals Who Have Applied or Been Determined Eligible for Vocational Rehabilitation Services (§361.48(b)) Advanced Training*; (2) Comparable Benefits and Services are defined in 34 CFR §361.53 and 34 CFR §361.48(b)(6); (3) Compliance with 2 CFR 200; and (4) Do these programs meet the Credential Reporting Requirements in the R911. The members were also given a copy of the referenced federal regulation sites. There was considerable dialogue on this topic e.g., does moving forward require board action; if so, could action be taken at this time; since the email is from DRS to RSA, would consensus of those present be adequate for moving forward. At the conclusion of this dialogue, consensus of members present was to support DRS sending this email to RSA to seek needed clarification.

**BUSINESS SPECIALIST REPORT:** Kim Ludwig provided this report, and due to time restrictions, she limited her report to items specifically dealing with activities relating to her role as the Business Specialist (see handout). These are items needing to be reported to the Department of Labor (e.g., Employer information and support services, workforce recruitment assistance, engaging in strategic planning/economic development, accessing untapped labor pools, training services, incumbent worker training services, rapid response/business downsizing assistance and planning layoff response). It also reflected goals and actual numbers attained in business-initiated contacts, outreach contacts, distribution of job announcements and presentations. Kim also reported on a variety of activities which have led to the building of relationships with business and community leaders (e.g., exhibit at DOL Apprenticeship Conference, video conference trainings for provider and agency staffs, developing and adding “employment success stories” to the DHS website, and revamping of the “Ability for Hire” website to target employers). There was some dialogue on measuring impact of these many and varied efforts – especially as it relates to direct employment outcomes for individuals with disabilities. Kim shared that she will provide more information on the “Ability for Hire” campaign at the next meeting.

**STATEWIDE INDEPENDENT LIVING COUNCIL (SILC) UPDATE:** Eric, as one who serves on the SILC, provided this report. They met April 3<sup>rd</sup> at Western Resources for Independent Living. The SILC has been using a one-day format for some time. Their next meeting is June 26<sup>th</sup> in Ft. Pierre. Some agenda items from the last meeting were: Independent Living Services Program Specialist Report, BVR Report, Workgroup Updates, Board of SBVI Report, Adoption of revisions to the State Plan for Independent Living (SPIL), Motion passed to support 2019 NDEAM events with up to \$5,000 and the SILC nominations process.

**BVR STAFF REPORT:** Shelly provided an update on two items – (1) Budget Report for June 1, 2018 – May 31, 2019 which is the entire contract year concluding last month. This report is provided at each SILC meeting, and it relates to funds used in support of staff travel, member travel, staff training, meeting expenses and strategic planning; (2) 2019 Governor’s Awards status report indicated that we are in receipt of 32 nominations with the expectation of two additional ones, which we were made aware of prior to the due date. We are also awaiting a few second letters of support for some nominations. The current total includes 4 under Outstanding Individual with a Disability, 3 under Distinguished Service, 14 under Employee with a Disability, 5 under Outstanding Employer (small), 3 under Outstanding Employer (large), 2 under Outstanding Employer (other), and 1 under Transition Services. Of the total, 47% came from individuals/organizations outside of State agencies and 53% came from individuals/organizations within/connected to State agencies. All commented on their pleasure with the increased number and the difficult task the joint BVR/BSBVI/SILC Committee will have make recommendations. Eric encouraged that if at all possible, the committee recommend only one recipient for each category. Shelly said that the next step will be to copy all of the nominations, provide them to committee members and schedule a time for them to meet and confer on recommendations.

**OTHER BUSINESS:** At this time, Eric took a few moments to recognize Patty’s pending departure from the BVR. She is concluding her second consecutive three-year term, and as such is unable to continue serving without a break in service. He thanked her for her leadership and commitment. A gift was presented to her on behalf of the entire board, and the appreciation of all was affirmed by applause. Patty shared that she will miss her involvement and all involved – she will proudly hang the artwork in her study.

**CLOSING ACTIONS:** FUTURE AGENDA ITEMS – CSNA will require some considerable time on the agenda, election of officers will take place, invite district office staff to meeting (in location of meeting), possibly coordinate and meet for a portion of the time with BSBVI due to both receiving a report from Bob Jahner on the CSNA. A suggestion was made, and consensus supported it, that standing reports be

mailed out to members prior to the meetings (e.g., a week so they have time to review them prior to the meetings, prepare questions and the meetings become more dialogue based – making greater use of board members expertise). SCHEDULE NEXT MEETING – Eric will work with staff and the board to propose dates and location for the Fall meeting. He suggested coordination and joint board meeting with the BSBVI in September in Pierre/Ft. Pierre. ADJOURNMENT – Patty asked for any other business; hearing none, **MOTION TO ADJOURN – MS.** Meeting adjourned at approximately 3:30 pm.