

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION

Executive Committee Meeting

LOCATION

Governor's Council Conference Room
3601 C Street
Anchorage, Alaska
Teleconference

Meeting Date

November 7, 2011

Attendees:

Eric Gebhart, Chair
Ric Nelson
Kathy Fitzgerald
David Flynn
Tonja Updike
Amy Simpson

Guests:

Dean Paul

Staff:

Millie Ryan, Executive Director
Teresa Holt

Prepared by: Jeannette Rice
Peninsula Reporting

Call to Order – 12:03 p.m.

Roll Call

READING OF THE COUNCIL MISSION

Tonja Updike recited the Council's mission statement.

INTRODUCTIONS, ANNOUNCEMENTS OR GOOD NEWS

Eric Gebhart announced that his son left this morning for a couple of weeks in Japan with the Ambassadors in Baseball program.

APPROVE THE AGENDA

Kathy Fitzgerald **MOVED** to approve the agenda. Approval of the agenda **PASSED**.

APPROVE THE MINUTES FROM THE PAST MEETINGS

Amy Simpson **MOVED** to approve the minutes from the September 6th and October 6th, 2011, meetings. The motion **PASSED**.

CORRESPONDENCE

Millie Ryan reported that they sent out a letter on October 19th to the congressional delegation with recommendations for them in making their recommendations to the Super Committee, based on the discussion at the October Council meeting.

Eric Gebhart asked about a recent string of e-mails about SB 51, the Second Chance Act. Millie Ryan explained that federal law requires that vending stands on federal property be run by the blind, but Alaska law also allows others with severe disabilities to have vending stands. Senator Bettye Davis has introduced SB 51, which would make it an absolute priority for only blind people to have them. Dave Fleurant brought it to the Council, asking for the Council's position on it. Millie said that DVR is remaining neutral on it, and she thinks the Council should remain neutral also.

Millie Ryan also stated that they received some correspondence from the MS Society, which is trying to become more active legislatively and wants to partner with the Council. There is a bill dealing with access to expensive medications that people with MS need to live more independently, and Millie has asked the Trust to start tracking it, so the Council should add it to the tracking list too and perhaps weigh in on it.

Millie Ryan mentioned that Diane DiSanto with Senator Begich's office inquired if there was a briefing on the ABLE Act and whether it would be important to the disability community. Millie said it would, and that the Council would hope that Senator Begich would consider co-sponsoring it; Millie will follow up to find out how the briefing went.

Teresa Holt stated that they sent some comments to Karen McCarthy and Senator Murkowski's office on the ESEA, Elementary and Secondary Education Act. Some amendments have been introduced to exempt students with special needs from being counted for AYP, to be assessed in a different assessment system instead. The Council commented that that could create two separate education systems, and special education students might then get less education because they aren't being counted, since people pay more attention to what is counted. Jennifer Jones is tracking that amendment.

OLD BUSINESS

Meeting with the Administration

Eric Gebhart said that he, Millie Ryan, and Kathy Fitzgerald met by telephone with Karen Rehfeld and Commissioner Bill Streur to go through budget priorities again, which took more than the full hour, and Karen and the commissioner asked some questions, which is a good sign. Millie Ryan added that they also discussed SESA and funding, and that the sunset provision provides an opportunity for regular monitoring. Kathy Fitzgerald added that she thought Eric did an excellent job of updating Karen on SESA, and Karen seemed at least semi-receptive. Kathy also sent Lorri Unumb's PowerPoint on the autism insurance bill to the commissioner, and thinks he may be supportive of that.

Council Bylaws

Eric Gebhart reported that he sent an e-mail out to the Executive Committee, copied to Millie and Teresa, with a clean version of the proposed bylaws and the track changes version. At this meeting this committee needs to approve the bylaws for presentation to the Council. This presentation will not change the bylaws, but will only move the proposed changes from the hands of the Executive Committee to the hands of the Council.

Ric Nelson stated that he wants to put in the bylaws a requirement that before a person could be a committee chair, they would have to serve on the Council or on a committee for at least a year.

Eric Gebhart went through the major changes to the bylaws:

- Terms of office: Add a term limit of four consecutive terms, which is 12 years, then a person has to stay off the Council for one calendar year. Persons in designated seats or publicly appointed would be exempt from the four-term limit.
- Change the term “legislative liaison” to “legislative chair” to be consistent throughout the document.
- Committee chairs will be appointed by the Council chair with input from the committees, rather than having elections.
- Under terms of office for the legislative chair, delete that it is an elected position, which conflicts with the above; instead, the Council will elect the vice-chair and the chair, and all other chair positions would be appointed by the Council chair.

Eric Gebhart pointed out that this would address the issue that Ric Nelson raised, because the Council chair will appoint the other chairs with Committee input, thereby protecting against inexperienced chairs. Ric Nelson countered that he still thinks they should put something in the bylaws, because they don't know what will happen with the next chair.

Discussion ensued, with Kathy Fitzgerald pointing out that the Council chair probably wouldn't appoint someone as a chair that he hasn't seen in action for at least a year, but if it is written into the bylaws, that may limit somebody who is new but has experience and would be a good chair. Ric Nelson suggested a chair orientation, and Kathy Fitzgerald said that

orientation is “pretty lightweight” and maybe there should just be an understanding that is passed from Council chair to vice-chair.

Eric Gebhart asked for further input, and Amy Simpson pointed out that anything that is written into the bylaws has to be monitored somehow to ensure that it is followed. The premise is understood that the Council would always appoint the best qualified person that is available, and putting it in the bylaws may create another unnecessary bureaucratic layer.

Tonja Updike concurred that having the Council chair appoint the committee chairs with committee input should help to ensure that the best and most appropriate choice is made, and the more details are included in the bylaws, the harder it is to follow them.

Eric Gebhart stated that this certainly makes the election of the chair and vice-chair more critical, because it gives the chair and the vice-chair who succeeds the chair more authority and autonomy in determining Council leadership. Therefore it is important to understand and to communicate to the Council that these are important decisions.

Ric Nelson stated that he is still concerned about it. Eric Gebhart proposed wording: “The chair of the Education Committee shall be an experienced Council member appointed by the Council chair after receiving input by the members of the Committee,” which designates the person as “experienced” without defining what “experienced” is. For some people, a year might not be enough, whereas for others, a few months or a single meeting might be enough.

Kathy Fitzgerald discussed having self-advocates in leadership positions, as co-chairs at a minimum, to give them opportunities to lead and gain experience, even if it isn’t written in the bylaws. Eric Gebhart pointed out that the bylaws currently specify that at least four members of the Executive Committee shall be consumers or parent representatives. He said that they might be able to figure out a different way to include that, but reminded everyone that right now they’re only approving something to send to the Council, and there would still be time for additions, corrections, and deletions.

Kathy Fitzgerald said that Millie Ryan had a suggestion about saying “or” parent representatives, it could say “and”, so there would be at least one consumer included, and not just as a token. Eric Gebhart said that this is included in the Five-Year Plan among things they would like to see, and Kathy Fitzgerald agreed that it doesn’t have to be in the bylaws as long as it is considered regular practice.

Eric Gebhart stated that for today, he hopes to just get it out of Executive Committee and on to the Council, and there will be time to finalize it later. He reminded people to bring it up in January so they could discuss it with the whole Council.

Eric Gebhart summarized the discussion of the proposed bylaw changes as consisting of two major items: how committee chairs are selected and term limits. Amy Simpson said that she and Jennifer Jones had gone through the bylaws and made some suggestions, and wanted to know when those would be discussed. Eric Gebhart said that he received a lot of suggestions and had included some but not all of them, and if anyone wanted to make changes, there is time before it is approved to go to the Council.

Amy Simpson brought up an example from the EIC Committee, that the bylaws say that the EIC shall consist of 5 to 11 members who closely reflect the areas of representation required by the law, and questioned whether the wording is strong enough. Millie Ryan pointed out that the Education Committee and DD Committee have the same dilemma of making sure that people who are not Council members are represented by being committee members. Kathy Fitzgerald acknowledged that while it is a priority to fill all these slots, sometimes a committee just can’t find the people that are needed. Eric Gebhart stated that the current wording allows them to continue to work even if they know they are missing something, whereas more specific wording might not allow that. Discussion ensued about various examples of representation on different committees and levels, and the difficulty of ensuring that every demographic is covered all the time.

Kathy Fitzgerald **MOVED** to approve the revised bylaws as amended for consideration by the full Council at the January 2012 meeting. The motion **PASSED**.

Teresa Holt agreed to send the revised bylaws out for people to consider between Thanksgiving and Christmas.

October Council Meeting

Eric Gebhart stated that it has been agreed not to do lunchtime meetings anymore. Teresa added that a lot of people had complained about the meeting taking up their lunch hour.

Amy Simpson had to leave for another meeting, but commented that she thought the October meeting was great and she liked the discussions that came out of it.

Eric Gebhart stated that it would be good to have a logistics page at the front of the Council notebook, added to the agenda, to help newcomers find their way around the buildings the meetings are held in, and that others should help make sure that people who don't know their way around are shown. Teresa Holt said that they would do that.

Eric Gebhart went on to say that some people had requested more tabs in the booklet, which he would defer to staff, and suggested that the committee could also make sure that people are seated strategically to help others know where they needed to be.

Millie Ryan said that they were planning to have a tab for each day and then the documents for each day placed in the order of the agenda. Teresa Holt added that the documents would be printed on separate colors of paper to help people know when to flip to the next one.

Ric Nelson suggested scheduling breaks every hour or hour and a half, and Millie pointed out that there are already breaks built into the agendas.

Kathy Fitzgerald suggested having an evening gathering while the Council is in Juneau to help people get to know each other better, and Teresa Holt said that can be arranged.

Trust Advocacy Summit

Millie Ryan stated that the Trust Advocacy Summit will be in Juneau on January 30th and 31st, the week after the Council meeting. Kathy Fitzgerald and Ric Nelson are planning to attend. Eric Gebhart said that he might be able to go too. Millie said that she would check with the others who are not on line to see who else might be able to make it.

Ad Hoc Committee on Medicaid Reform

Ric Nelson reported that he and Carrie Predeger had met and prepared the agenda for the first meeting of the ad hoc committee, and e-mailed people that were interested in being on the committee. They plan to meet once a month for the first three months, with the first meeting on November 28th from 1:30 to 3:30, and every six to eight weeks thereafter.

NEW BUSINESS

January 2012 Council Meeting Agenda

The 2011 agenda was sent out, and Millie Ryan stated that it will be updated. Millie reviewed what they did last year. She explained that on Tuesday everyone prepares to meet with legislators on Wednesday, and Thursday is the day the committees give their reports. They will have feedback from the feds on the State Plan by then which they can share with Council members.

Kathy Fitzgerald asked if Jeff Jessee would be coming on Thursday, saying that it would be better to have him on Tuesday or Wednesday, and Millie Ryan responded that he wasn't available then. Kathy Fitzgerald said that it bothers her that people start leaving on Thursday and they don't get such good feedback that way. Millie Ryan answered that they would try to emphasize the importance of staying through the end.

Eric Gebhart stated that they need to figure out where on the agenda to put the bylaws discussion. Millie said it would probably be early on Thursday, and Eric responded that that would be good so that people could ask questions and go over it the first two days. It was decided to have a discussion on Tuesday and an action item on Thursday. Millie Ryan said

that she would make those changes and send out invitations to people to come and present.

Executive Director's Evaluation

Eric Gebhart and Ric Nelson will start working on the annual evaluation of the Executive Director. Last year they sent out surveys and then tabulated the results, which was an acceptable approach.

REPORTS

Chair's Report

Eric Gebhart reported that he had a good teleconference with Jennifer Jones and Tonja Updike a couple of weeks ago about the Ed Committee.

Eric Gebhart stated that he, Millie Ryan, Teresa Holt, Ric Nelson, and others will be in Washington, D.C. next week for the NACDD and the Alliance for Full Participation.

Eric Gebhart also stated that last week at AASB, the SESA resolution sailed through the resolutions committee, and he assumes it was also passed by AASB. Teresa Holt confirmed that it was. Eric Gebhart explained that AASB sets their priority resolutions, then their executive committee sets their priorities, and that committee is meeting today. He hopes that they had enough input that SESA will be a priority resolution with AASB.

Committee Reports

Legislative Committee

David Flynn joined the meeting, and reported that the Legislative Committee meets this Thursday. Tonja Updike's sister may become a new member. The Legislative Committee is working on preparing for the January meetings with legislators.

Midwest Academy

Millie Ryan reported that there is a Midwest Academy planning meeting for HB 78 and SB 74 tomorrow. Teresa Holt said that Jasmine Woodland has been working on finalizing the Midwest Academy plans from the Council meeting, and they will present them to the Legislative Committee on Thursday.

DD Committee

Kathy Fitzgerald stated that the DD Committee meets at 2 o'clock today, and they have been following the proposed regulations. They sent out a letter on what they thought the impacts of the proposed regulations were, especially on acuity care, and expect to hear back from the administration on the regulations within 30 days.

The DD Committee has also been busy following the IAT for nursing and the CCMC waiver and the regulation changes that would impact providers' ability to provide that oversight, and keeping up with what is going on with the Hub.

Education Committee

Tonja Updike stated that she missed the last meeting, but Jennifer Jones and Taylor Gregg ran it. They didn't have a quorum, but discussed some correspondence, including a letter from Jennifer Jones to Commissioner Hanley about the high school qualifying exit exam, and correspondence regarding the ESEA reauthorizations. They also discussed WorkKeys, which was discussed at the State Board of Education meeting.

Early Intervention Committee

Teresa Holt said that she has heard rumors that there will be an increment for Early Intervention for the CAPTA requirement, but they will know more when the Governor's budget comes out.

Rural Committee

Teresa Holt stated that the Rural Committee has been focusing on their first priority, transition services, and have been talking with Don Enoch, Art Arnold, and DVR about how to get schools, DVR, and providers all to work together. There will be an ASSEC presentation to have DVR and school people from best practice programs show that it can work, and they hope to get on DVR's schedule next year, since DVR just had their annual conferences. They also hope to do the presentation at Full Lives.

Millie Ryan suggested getting one of the Tribal VR providers also to present, and Teresa Holt said that Tom Cyrus is working on that.

Executive Director's Report

Millie Ryan reported that on October 10th they had a number of people from different divisions come together to talk about how they can better meet the needs of people with disabilities. Mary Ellen Wright and Nancy Scott from Kansas talked about their program, which is a package of services put together that are only available to people on the Medicaid Buy-In program. Also, Doug Stone from the Center for Workers with Disabilities talked about some other options, and is doing some follow-up to try to figure out the best approaches to ongoing support services for disabled people who work.

Millie Ryan also reported on recent and upcoming activities:

- Some Council members attended the White House Disability Forum on Transportation, sponsored by David Levy of the Alaska Mobility Coalition, during the Community Transit Conference.
- Millie submitted a no-cost extension for the Medicaid Infrastructure Grant, which extends it from this December to December 12th, 2012.
- Millie attended the Administration on Developmental Disabilities meeting in Washington, D.C. They have a performance measure work group seeking better ways to show the value and impact of the councils.
- Peer Power statewide meeting will be in Fairbanks on December 10th, and Josie Boggs is hoping to get all of the self-advocates and others to attend.

TIME AND DATE OF NEXT MEETING

The next Executive Committee meeting will be on Monday, December 5th, 2011, noon to 1:30.

ADJOURN

The meeting was adjourned at 1:33 p.m.