

GOVERNOR'S COUNCIL ON DISABILITIES
AND SPECIAL EDUCATION

Legislative Committee Meeting

LOCATION

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

Meeting Date
June 14, 2012
1:00 p.m.

Attendees:

David Flynn, Chair
Anthony Cravalho
Art Delaune
Kathy Fitzgerald
Eric Gebhart
Steve Lesko
Ric Nelson

Staff:

Teresa Holt

Prepared by:
Jeannette Rice, Peninsula Reporting

Call to Order – 1:05 p.m.

Roll Call

READING OF THE COUNCIL MISSION

David Flynn recited the Council's mission statement: Creating change that improves the lives of people with disabilities.

WELCOME FROM THE CHAIR

Announcements or Good News

Kathy Fitzgerald announced that the autism insurance bill has been transmitted to the Governor and unless he vetoes it, will become law in January of 2013. Also, federal insurance is going to start covering ABA as a medical treatment. Anthony Cravalho noted that many rural tribal non-profits switched over to the new federal insurance this month. Kathy invited committee members and others to a celebration of autism insurance coverage at Hope Community Resources in Anchorage at 6:30 p.m. on June 27th.

Kathy Fitzgerald also announced that Partners in Policymaking is facilitating a Midwest Academy on June 20th to plan for Employment First legislation. Kathy said that they've invited people who are involved in supported employment, other agencies, and DVR representatives, and she will keep the Legislative Committee informed about the plan.

APPROVAL OF THE AGENDA

Steve Lesko **MOVED** to approve the agenda. The motion **PASSED**.

APPROVAL OF PAST MINUTES

Steve Lesko **MOVED** to approve the minutes from the April 12th, 2012 meeting. The motion **PASSED**.

CORRESPONDENCE

Teresa Holt reported that Eric Gebhart wrote a letter to the Governor asking

him to sign the autism bill. Eric Gebhart added that the response was that it had not yet been transmitted to the Governor, but he would consider the comments.

Teresa Holt announced that the Women's, Children's, and Family Health section got a grant for promoting health and wellness for people with developmental disabilities, so the Council will get a part-time position out of that. Teresa also remarked that Millie Ryan is writing a grant on the Employment First initiative, but the grant will only go to two of the fifty states.

UPDATE FROM DISABILITY POLICY SEMINAR

Federal Budget/Budget Control Act

Teresa Holt reported that the Budget Control Act mandates \$840 billion in cuts to discretionary spending over ten years, but the President's budget has come out with alternatives, and the budget has not been passed yet. Teresa reported that the Disability Policy Seminar urged people to talk about a health care spending problem, not a Medicare/Medicaid spending problem. The other message they asked people to spread is that the deficit problem cannot be solved only by cutting expenses; it will also be necessary to increase revenue somehow. Teresa Holt stated that sudden changes to the budget can be made using an omnibus bill during the lame duck session, so people must be vigilant.

Achieving a Better Life Experience (ABLE) Act

Ric Nelson reported that the ABLE Act is a new type of savings account that allows people with disabilities to own and control an account containing funds from sources other than disability benefits, such as gifts or personal income. It is similar to a 529 plan for education expenses, but with a limit of \$100,000, and has fewer restrictions on what it can be used for. Kathy Fitzgerald added that in a meeting with Senator Begich, he said that he would like to hear from the community about supporting the ABLE Act. Ric added that it looks like there is only a 1 percent chance of it passing this year.

Affordable Care Act

Teresa Holt reported that the Affordable Care Act is now in the process of being enacted and implemented, but several states, including Alaska, sued the federal government, and it is now in the Supreme Court. Teresa Holt explained some details of the law, and noted that the Supreme Court decision was expected any day now, but Teresa said that the feeling is that the Affordable Care Act will probably be struck down in whole or in part as unconstitutional because it requires people to purchase insurance.

Restraint and Seclusion Legislation

Teresa Holt explained the new restraint and seclusion legislation, Senate Bill 2020 and House Resolution 1381, which establishes new rules and protocols for the use of restraint and seclusion in public schools. The law defines restraint and seclusion and requires school district personnel to be trained and certified by a state-approved non-abusive physical intervention program such as NAPPI. The law also requires an observer to be present during the use of restraint or seclusion and a debriefing of everyone involved after any such incident. Teresa noted that one point of contention about this bill is that the disability community and others feel that IEPs should be prohibited from mentioning restraint and seclusion, as such tactics should be considered an emergency tool, not an educational tool.

Ric Nelson suggested that the Legislative Committee should continue to track these federal legislative issues and report to the Council as a whole in October about how they can have an impact. David Flynn agreed, and Teresa Holt said that she would include a federal legislation update on the agenda for each Legislative Committee meeting and the October Council meeting.

REVIEW OF COUNCIL PRIORITIES

David Flynn and Teresa Holt led a review of the priorities of the various committees of the Governor's Council. Kathy Fitzgerald discussed the DD Committee's priorities, and Teresa and David briefly summarized the priorities of other committees. Legislative Committee members received an outline of these priorities attached to the meeting materials, which is

included below.

Governor's Council Committee Priorities – May 2012

DD Committee Priorities

1. Workforce recruitment and retention (including direct service provider living wage)
2. Alaska Complex Behavior Collaborative
 - a. Funding, data, system integration
3. Employment for individuals with developmental disabilities
4. Supporting self-advocacy organizations

Education Committee Priorities

1. Ensure SESA has adequate and permanent funding
2. Advocate for alternative routes for students with disabilities to pass the high school graduation exam or receive a diploma.
3. Advocate for programs to increase the special education workforce with Alaskans.
 - a. “Grow Your Own,” Regional co-ops
 - b. Rural IEP implementation
4. Ongoing Special Education Advisory Panel Duties
 - a. Review/provide recommendation on special education handbook
 - b. Provide comment on regulations

Early Intervention Committee Priorities:

1. Advocate for the expansion of infant learning program eligibility.
 - a. Advocate for funding to serve all eligible children
2. Advocate for the expansion of highly qualified early childhood workforce, throughout the state including recruitment and retention
3. Ongoing ICC duties especially reviewing and providing comment on new state regulations
4. Specific plan to target parents of toddlers/infants to become council members/advocates/committee members

Rural Services Ad Hoc Committee Priorities

1. Advocate for infrastructure and systems to allow for technology and tele-practice use.
 - a. Housing/Residential Services
2. Advocate for improved secondary transition services in rural areas

- a. Transition funding (OTI) – how to show outcomes
3. Research ways to use tele-practice in the DD system to improve services
4. Increase use of technology to improve related services in rural areas

Autism Ad Hoc Committee Priorities

1. Continue to implement the funding and resources plan
2. Participate on the legislative task force on autism insurance coverage

Medicaid Ad Hoc Committee Priorities

1. Develop recommendations and solutions for areas of potential Medicaid cost savings based upon the AD Hoc committee's research
2. Write a letter to Commissioner Streur demonstrating committee's findings
 - a. Also share letters with:
 - i. Congressional Delegation
 - ii. AK Legislators

Health and Disabilities Ad Hoc Committee

1. Implement strategic plan
2. Health promotion
3. Access to preventative/screening care
4. Emergency preparedness

Legislative Committee Priorities (to be finalized in October)

1. SESA funding
2. Remove “mental retardation” from all statutes and regulations
3. Employment first legislation
4. High School Exit exam (new bill sponsor)
5. Monitor and inform Council on Federal Legislation
6. Ongoing funding for the Complex Behavior Collaborative
7. Rural transition funding
8. ILP funding for CAPTA
9. Special Increment for DSP wages

Update from Council Budget Meeting

Teresa Holt reported that the Executive Committee holds a meeting each June to come up with budget recommendations to give to the Trust, which in turn go from the Trust to the Governor in hopes of getting into the Governor's budget. Teresa reminded everyone that there is no MHTAAR

funding this year, but from state Mental Health general funds, the Council is asking for the following, in order of priority:

1. \$650,000 for the Complex Behavior Collaborative
2. \$3 million for Infant Learning Program
3. \$150,000 for Council operations
4. \$500,000 for DD employment grants, plus \$50,000 for Peer Power
5. \$100,000 for rural transition services

Capital requests include two new ones: a pilot project scenario using strengths-based planning and person-centered planning tools, and \$60,000 for neurodevelopmental outreach clinics.

Ongoing capital requests include coordinated transportation, home modification, deferred maintenance, and assistive technology, including training for caregivers in using assistive technology.

Teresa Holt reported that policy recommendations include funding for SESA, the exit exam issue, removing mental retardation from state statutes, the Employment First initiative, flexible funding for the Trust beneficiary boards, and keeping Disability Determination Services within the state. Teresa noted that representatives from other state agencies joined the Executive Committee meeting on June 4th.

DATE AND TIME OF NEXT MEETING

The next meeting is scheduled for Friday, August 10th, from 1:00 to 2:30 p.m.

ADJOURN

The meeting adjourned at 2:31 p.m.