

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

August 10, 2012
1:00 p.m.

Attendees:

David Flynn, Chair
Art Delaune
Eric Gebhart
Ric Nelson
Banarsi Lal
Margaret Kossler

Staff:

Teresa Holt

Prepared by:

Sheryl Cobb, Admin Assistant

Call to Order – 1:10 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

Teresa shared that we have 4 new council members - Karli Lopez, Susan Kaplan, Jean Gerhardt-Cyrus and Terese Kashi. 6 people were reappointed.

Teresa also shared that Anchorage had an Autism bill celebration on July 27th. About 300 people attended, including 7 or 8 legislatures. This was sponsored by Hope.

MEETING MINUTES

Teresa said that she had one change in the June. It was one page 7. It is where it lists out what the Council was asking for in order of priorities. If you look at number 4, it says \$500,000 for DD and Employment grants for \$50,000 for Peer Power. It should be including \$50,000 for Peer Power. It is a \$500,000 request. David asked if there were any other comments or clarifications. Art moved that the minutes be approved as corrected. Eric seconded. Minutes approved as corrected.

CORRESPONDENCE

The SESA Audit was done and they were recommended to continue their sunset until 2021. Eric commented that due to inflation, the real value of SESA's budget as established 14 years ago has decreased by approximately 36% accounting for inflation since 1998, SESA's funding formula in today's dollars would be approximately \$21.50 per student instead of the current funding amount of \$15.75. That is based on the municipality of Anchorage consumer price index. They also say deed management is not actively assessed SESA's activities and funding to

ensure that the department and the agency are following legislative intent by providing appropriate services to children affected by LID. Additionally SESA management has not collaborated with DED staff to ensure SESA is operating and funded as intended by the Legislature. That is good. Regardless of the Council and SESA's own boards oversight, Alaska's statutes relating to SESA's specify that DED is responsible for providing funding and ensuring that children affected by LID are being appropriately served in their school districts. Eric stated that he thought we were headed down the right path in terms of making sure that we get involved with the department on the budgeting side of things. Hopefully we can be included in the Governor's budget and funding that would be appropriate and necessary for us. Teresa commented that she felt that was great news.

We heard from the Federal ASPEN grant and we were not funded. So the only funding we have for that is AMTHA Funds.

We provided letters of support to the Center for Human Development to use Person Centered planning and technology. There is a grant for that. We also provided a letter of support for the HUD 811 grant which is an odd grant cause it not actually a housing grant, it is an ADRC grant, to improve ADRC for vets and different people.

The Council also submitted many pages of comments regarding the home community based waiver regulations for folks with developmental disabilities. Since the last time we had talked about those DD comments some good things had happened but also some additional they changed the regulations. So they changed it good for a couple of things but they changed it bad for some things. They left some of the things that we weren't happy with. If anybody wants a copy of those, send me an email and I will send you the 30 plus pages.

UPDATE ON FEDERAL LEGISLATION

Teresa Holt reported that having attended the Disability Policy Seminar in March, basically nothing has changed. The Senate and the House are way behind in the budget process. It looks like as far as federal budget, they will not have a budget by October 1st which is the beginning of the federal fiscal year. They will probably do an extension. People are thinking probably three to six months and then they will try to do a budget. There are many

bills waiting to be reauthorized. There has been no movement on any of them. They said we need to be very vigilant in watching the federal budget actions and providing comment to our legislatures so they are involved. They expect something to happen and it probably won't be good for us. Ric said that he did not know of anything since they met last time.

UPDATE ON BUDGET REQUEST

Teresa Holt reported that on July 16th & 17th, she attended the Department of Health and Social Services Budget Meeting where basically all of the divisions and departments bring their budget requests for the year and the Commissioner sits and listens and everybody asks questions about everybody's budget requests. Most of the budget requests were between 2 and 4 million but the Division of Public Assistance had 10 million in requests. OCS had 24 million. The reason that is important is that our Infant Learning increase request of 3 million is a part of the budget for OCS, so we are 3 million out of 24 million. Some of those millions they are asking for are the results of lawsuits so they have to do those.

Teresa said that she, Millie, Ric and Kathy presented on the 8th and the 9th to the Trust Planning Committee and presented their request. She said there were a few questions about the Council operations, some strong interest around employment, quite a few questions around the Early Intervention funding. She felt that the best one that came up that was sort of playing the devil's advocate when we were talking about the Infant Learning funding, if all these kids have an open case with Office of Children's Services, isn't Office of Children's Services required to pay for any services that the child might need? That is a pretty tough question that we would probably need to address in our talking points.

The other thing I wanted to share because it is very different from what we talked about in the minutes is Capital Requests. So for folks who don't know, Capital Requests have to be a joint request from the Council, the Commission on Aging, the Mental Health Board, and the Alcohol and Drug Abuse Board. I think that the Alaska Brain Injury Network also puts in their two cents. What comes out is not what we had asked for but 3 specific Capital Requests this year are 1 million for deferred maintenance, which is an every other year ask and we usually get it, but the difference this year is that this year it will be focused on weatherization needs. Agencies that

need to weatherize their buildings would have first access to those million dollars in deferred maintenance. The other piece that we had asked for last year and we would ask for again this year is around assistive technology. That is \$500,000. This year there is a focus that people can apply for grants to receive assistive technology and the focus again is on people with vision or hearing impairment and assistive technology that they might need. For example, Medicare, does not pay for hearing aids unless it is the result of surgery. The last one that was not on our list, but made it on the joint board list is \$700,000 for Department of Health and Social Services to get an egrant system and this piece of funding is specifically for implementation. It would cover things like every three years the Senior and Disability Services puts out a grant for services to DD agencies that provide grant services for people who are not waiver eligible. Each of those grants is about 100 pages, some are 300, some are less, the average is about 100 pages. There are 64 grants and they do it all by paper. The reviewers, like I just recently did that one, they sent 2 entire huge boxes to my office so that I could read those grants before I went, then I took those boxes and flew them back to Juneau, we look at them and there are 6 people who review each grant and then they have to save all of those. This would do away with all of that. It would be an on-line grant process. Other departments, we do that for coordinated transportation, they are all on line. I just wanted to update people that those were the Capital requests that went in.

UPDATE ON MIDWEST ACADEMIES

Teresa reported that the Employment First one was done this spring. The ILP one was done last month. She didn't know if they had done one for the removal of MR from regulations. David asked if we need one for that. Teresa felt that we do need one. We had gotten a request from Senator Meyers' office asking for support. He is going to introduce a bill, he might have already pre-filed a bill to remove mental retardation from all state regulations. Eric commented that he hoped that the Midwest academy would go relatively quickly, because if we do hit a bump, we want to make sure that we can address it. I would say that removal of MR from regulations is something that we would want to see rather quickly and not be an issue that lingers out there. Teresa said that they had asked Millie for some help and she was not sure exactly what they had asked her for but basically it requires the Department of Law to go through all of the

regulations. That is the biggest stumbling block. Eric said that this needs to happen so he thinks Midwest Academy will help us prepare for it to happen. David asked if there was any way to estimate a cost for it so that we could put that in like we would in a position paper. Eric responded that somebody else would do that. He said that the cost of having it in there would be much more than the cost of having the Department of Law to go in there and change it. We have a federal model to follow. We just want to make sure that we are really solid for anybody who it is not a no brainer for.

David asked if it is up to the Legislative Committee to try to coordinate a time and a date for that or is that going to happen outside? Eric responded that he thought that would probably be staff. Teresa responded that Midwest Academy would really be staff and Kathy and they may have already done it, since I know that they were planning to do it. I thought that Kathy would be here today, so I don't know if she did it or not. I will check with Kathy.

POSITION PAPERS

SESA – David commented that we are building on what we did last year, sunset clause extended to 2021. Eric said it is 8 years and there is confusion in the oversight of SESA. There are recommendations that the confusion be cleared up. He felt that once the confusion was cleared up on the oversight then sunset can come back into play because once we can show that oversight is happening and oversight is clear then sunset is no longer needed. There is a lack of clarity on who is actually overseeing in the organization, then sunset makes sense. David asked if we oversee SESA. Eric explained that we oversee the operations of the organization but DED controls the budget and that is kind of what they are saying, there are a lot of questions on oversight over the entire organization. He thinks that once everything gets coordinated and resolved then removal of the sunset would make more sense because we could show this is how this agency is monitored. Eric said that he would focus on the funding change until we have clarified and answered some of the issues that the audit brings forward. David asked Teresa to make a note for SESA that our focus will be on encouraging the solidification of the required funding change.

STATE FUNDING FOR GOVERNOR'S COUNCIL

David said that it is always uncomfortable to ask for money but he felt that with the work we do we should be getting state support to provide feedback to our Governor. He felt strongly about finding a way to advocate for this as a group this year and maybe we could go around the room and have everybody give their opinion on this particular bullet and share their insights on this.

Teresa said that she was going to interrupt and commented that Millie came up with a platform for this which she feels is a really good idea. Ric just arrived by the way. Millie's recent presentation to the Trust focused on the fact that the Council has unusual expenses that other Councils and Boards don't have. For example other Boards don't have to pay for real-time captioning or if they do, it is a small amount, they don't have to pay for interpreters quite often, and we have to pay for those for every single meeting, so that was what she wanted to focus on. Those are half of the costs of providing a meeting for us. She wanted the position paper to focus on those areas. I guess it is up to the Council but I think the Executive Committee thought that was a great idea. David commented that he travels to meetings and they get as local as they can to get visibility and input from different communities. Is that also something to consider? Eric commented that he didn't know if that is specifically possible because we are no longer able to reach out we used to. That is why we are coming to the State and expecting the State now to step up and help us to continue to be the organization that we have 1) we are mandated to be but 2) the organization we really have become. I don't know if we would really be specific about that because if we were able to get a \$150,000 to address the issues there that Millie has brought up that Teresa told us about, I think that opens the door for us to go back and hit people in rural areas. I think we use that more for as reasoning and evidence as opposed to the specific act because I think the additional requirements we have have been keeping us in comparison to other Boards is probably a really good way to go. Eric said that he is kind of with David in terms of it being hard to ask for money or assistance, but in this case, all of these reasons don't affect me personally. I don't have the need of all these other things, but I do realize that many of you I work with do require that. I know how important you are to the Council. Millie and I have been talking about this for a couple to three years about how do we get this so that we can actually get people to listen to us about our Council's needs and I think we are finally happening onto it. Ric commented that we also have to realize that we are the biggest Board in

the State of Alaska and we are the only Board that doesn't get funding. Teresa commented to make that that when Ric speaks, that Sheryl needs interpretation of what he has said so that his words can go on record too. Ric said that we have a lot of people who needs of lot of different kinds of help. That is the reason we are asking for funding.

David asked if there were any additional comments concerning State funding. Ric said that he can catch up with what you talked about by talking with Teresa after the meeting.

EMPLOYMENT FIRST INITIATIVE

David suggested tying to Olympic athlete's success with people with disabilities performing at high levels and supporting that initiative. Does anybody else have any other comments? Are there any other capital efforts going on to create some sort of a position for Employment First? Where are we at with that issue, I guess? Teresa commented that she guessed that would have been part of the Midwest Academy plan. Ric went to that meeting and they had a plan in place and a plan that they are going to work on. Teresa asked if it included writing a position paper. Ric said that he thought so, but he couldn't remember. That was two months ago. Ric said that he could help with that one if David wanted him to. David said that would be great. Ric could tie it in with what Josie was working on since he was involved in Peer Power. Teresa said that at the end she would like to see the group decide on a particular one, draft something up for the next meeting, finish it up. Maybe one of the new ones would be something we would start with.

David asked if Ric had time between now and the next meeting to work on that. Ric said that he could work on it with Margaret. Margaret agreed to help. Teresa said that she would help out too.

David asked how Peer Power affects the MR regulation. Is it something they brought forward, what is the relationship, because I'm not sure? Teresa said that she felt the group needed to wait for them to do the Midwest Academy or at least look at the Midwest Academy plan. Someone will have to research how you do that. Other states have done it and I know that Millie had a list of other states that had already done it. David asked who would attend that Midwest Academy event. Teresa said that they

would gather stakeholders, people who were interested in that particular issue. It would probably include somebody from Senator Meyers' office, from the Council, from Peer Power, Millie. David asked if we could add that in on the next agenda that we want to move forward with the position paper but hope to build out of what comes out of the Midwest Academy.

ANY OTHER DISCUSSION

Teresa said that she just wanted to clarify that what we want to do at the next meeting is that we want to spend the majority of our time finalizing a draft of the position paper for Employment First Initiative. David agreed with introduction of any other position papers that we have and the paper on so that we can start working those. Teresa said that she is hesitant to work on one for the CBC until we find out if it is in the budget, the same with SESA. The other one we would need to work on is the funding for the Council because we don't have one for that. Ric agreed with Teresa because it is brand new. The position paper is going to be brand new so it is going to take a while for us to write the first drafts.

I VOTE, I COUNT

Teresa commented that the Council is involved in I Vote, I Count, which is a national initiative to increase people with disabilities voting. This was really the only committee I can think of that really falls directly in the lap of the Legislative Committee. She wanted to let people know what that committee was working on and what the Council has said they would do and see if there are folks on this committee who are interested in assisting with that. The I Vote, I Count committee basically is Pat Luby from AARP, Kathy Fitzgerald from CHD, some folks from Disability Law Center, us, somebody from Alaska Brain Injury Network, some folks from the Mental Health and ABATA Board, Angela McCartal from FRA, and some staff from the Commission on Aging. So one of the things they are working on is questions for candidates, so they are going to ask, Kathy, specifically is drafting questions around issues for folks with developmental disabilities. Pat Luby does one for AARP and seniors. I'm not sure if Terri and the folks do one at the Mental Health Board. Just so you know that is happening so they will send that out and we can get that information back hopefully in a timely manner so that people can review vote based on the answers that the candidates give. The other thing that is happening in Juneau which

people wanted to get started here in Anchorage but I don't know if we have enough time to do it is something called Rock The Vote. I guess this is a national deal, basically you have a huge rock concert and you get people to come to a venue and they register people to vote. It is more centered around younger people to register to vote but Terri is doing Rock The Vote in Juneau and it is around youth and all those groups. People with Disabilities, people who are in poverty, youth. See the concert and register to vote. Anybody who wants to head that up in Anchorage, let me know or let Kathy know. Teresa asked David if he knew Terri Tibbet. He did not. She told him to send her an email if he was serious about starting something in Fairbanks and she would give him Terri's contact information and he could ask her how to do that. She offered at the last meeting to help people find the Rock The Vote resources and all the little steps. She has like a step sheet of how you get it all organized. Teresa said that the thing that we offered to do or we offered our Intern to do, who hasn't even started yet, is to gather all the website resources so that people because of this changing of the guard if you will people will have different polling places, they are going to have different people, they are going to have different candidates to vote for, so we are going to try and gather all of that information like how do you find out where you are supposed to vote. If you didn't get your voter card in the last month in the mail that tells you where to vote, how do you find out if you are registered? How do you get information about alternative voting? If you want to vote early or if you want to vote by absentee ballot, what are the deadlines for those? And then anything else you guys can think of that people might need in this re-districting. Art asked if the Intern is going to be doing this statewide or just the Anchorage area. Teresa said her thought was statewide so we can pair with you Art because I know that that is big on your list. Art said that he has already completed about 99% of that information for the interior part of the state. He said they have had several meetings up there with people with disabilities to make sure everybody knows where they are supposed to vote. The other important thing is getting the propositions into easier to understand language. A little more simplistic, so that it is not so confusing. Sometimes a Yes vote is a No vote and things like that. Art is personally working on things like that but would be willing to share that work with other folks. Teresa said was one thing that Peer Power had talked about. We need to coordinate all of our efforts. Teresa said that PIP has a website after we gather all of our information and we can make a little page and we can put it up on their website and get the information out. We will probably send it out on our list serve because

the maps all got re-drawn. Art said that Access Alaska and Wallbusters are having a combined effort to have a legislative luncheon on October the 4th and we have already sent out the invitations to the Legislators. We are going to resend the invitations to those who make it through the primary cause we have a lot of districts that don't have any incumbents running and we have some districts that have incumbents running against one another. So we are going to invite them all. If the Council has questions to ask I can certainly share that as more information at our Legislative lunch. Teresa asked Art to email Kathy Fitzgerald and let her know about that so she can get the questions to him once they are drafted.

Teresa said that another issue that comes up is when a staff person takes someone to the poll and they need to go into the tent to assist them to vote. They have been getting kick-back because normally you can't go in with anybody. The Disability Law Center is going to create a little card that providers can take with them that shows it here is where it says I can do this. This group has already created a passel of information for staff people about how to assist someone to vote without influencing their decision. This is just so that you guys know what is happening.

The last idea was some kind of packet to get out to folks to families and consumers about voting rights. Some of that information that we had talked about. One of the things was polling place accessibility, called HAVA. Handicap Accessible Voting something. So if you go to your polling place and it is not accessible, they would like you to call the Disability Law Center, Ann Applegate is the person who works on that. She has been doing a lot of research on this because there is around a million dollars every year to make places accessible and the people who run the polling places have decided that they will not actually make buildings accessible, they will make them accessible the day of polling. So if a building in Kotzebue doesn't have a ramp, they will only provide a portable ramp for that day, they won't actually fix the building. Ric said that is messed up. Teresa said it is legal and they don't have to do anything else. If you find your polling place not accessible, and we will remind the Council members.

Teresa asked if there was anything else about voting. She asked if people in Fairbanks received their new voter registration cards. The envelope just said Division of Election and kind of looked like junk mail and she was concerned that folks with developmental disabilities might not have realized

what it was, including a new polling location.

David asked if there were any other concerns, comments or questions.

DATE AND TIME OF NEXT MEETING

The next meeting is scheduled for Thursday, September 13th, from 1:00 to 2:30 p.m.

ADJOURN

The meeting adjourned at 2:24 p.m.