

FULL COUNCIL MEETING MINUTES
September 16, 2019 - 1:00 PM
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Felton-Farmington Room, DelDOT Administration Building, Dover
(CART/ASL Provided)

PRESENT

Todd Webb, Chair; Terri Hancharick, Vice-Chair; Gene Aucott, Easter Seals; Pam Weir, Birth to Three (for Susan Campbell); Susannah Eaton-Ryan, The Arc of Delaware; Moni Edgar, UCP-DE; Leslie Hailey, DDDS; Kristy Handley, BIAD; Linda Heller, Advocate/HLADE; Elisha Jenkins, DVI; Michael Harris, DDC (for Rick Kosmalski); Jocelyn Langrehr, DOL/DVR; Dale Matusevich, DOE; Karen McGloughlin, DHSS/DPH; Daniese McMullin-Powell, Advocate; Robert Overmiller, CSAAPD; Loretta Sarro, DVR-ODHH; Lloyd Schmitz, Council on the Blind; Kathie Cherry, GACEC (for Wendy Strauss); Meredith Tavani, DSCYF/PBHB; Stefanie Ramirez, CLASI/DLP (for Laura Waterland); Kyle Hodges, Staff; Dee Rivard, Support Staff; Amber Rivard, Support Staff; and Jo Singles, Support Staff.

GUESTS:

Victoria Counihan, DOJ/AG
Bill Powell
Robert Coupe, DSHS
Jenn Ford, NAMI-DE

Interpreters: Caroline Greene/Peg Stewart

CALL TO ORDER

Todd called the meeting to order at 1:16 pm. John stated that requests will have to be made for CART services. Todd thanked everyone for participating and reviewed some housekeeping items. Introductions were made.

ADDITION OR DELETIONS TO THE AGENDA

Kyle commented that Committee Reports may not be addressed today due to time constraints.

APPROVAL OF MINUTES

Lloyd made a motion to approve the minutes as amended. Karen asked that PAS be spelled out on page 4 (at least once). Terri seconded the motion to approve the minutes as amended. The minutes were approved as amended with Michael Harris abstaining and no one opposing.

BUSINESS

Voting for Custie Award

All voting members were asked to fill out ballots and return them to Jo. Terri noted that the first nomination should be Dr. Freeman Miller, not Dr. Fred Miller as written on the ballot. Additional completed ballots were given to Jo at the end of the meeting.

SCPD/Commission Consolidation Proposal (Rita Landgraf)

Rita Landgraf (Co-Chair of the Governor's Commission on Building Access to Community Based Services) provided a proposal and PowerPoint presentation (handout) regarding the consolidation of SCPD and this Commission. Rita highlighted the history, current priorities/focus and the recommended strategic path forward. Rita mentioned a Town Hall held in July, where the passage of ADA was celebrated 26 years ago. At this event, she and Dr. Kara Walker gave an update on the last two years of the Commission's work.

Rita reviewed the following:

- Olmstead: Community Integration for Everyone.
- Delaware's Response – Executive Order #50 signed 9/22/03, which created the Commission.
- Commission Purpose – Ensure that all citizens inclusive of those with disabilities have the ability to live.
- Framework for Achievement
 - Best way to achieve the aforementioned goals is for the public and private representing Delaware's disabilities community and those who serve that community to help chart the state's progress toward those goals.
 - Collaboration across Cabinet, agencies, advisory groups, providers, consumers, family members.
 - Cross-disability/condition focus
 - Grassroots involvement through a committee structure (Housing, Community Planning & Transportation, Employment, Education & Economic Development, LTC Conversion, Health Care.
- Guiding Principles (2019) – provide the background for understanding the goals, objectives and action steps
- Initial Goal
 - 5 Year Comprehensive Administrative/Legislative Plan, with identified priorities, goals, objectives, action steps and fiscal notes
 - Timeline – Product launch July 2007
 - Commission and committee structure to monitor progress, adapt to unforeseen issues and continue to update and revise product.
- Initial Priorities
 - Medicaid Buy-In (Medicaid for Workers with Disabilities)
 - Money Follows the Person
 - Expand Attendant Care
 - Pay Family Caregivers
 - Create a universal assessment tool and database
 - Provide pay equity for contracted services
 - Expand Paratransit Service to include Sunday service.
- Commission Highlights (10 years)
 - Commitment to Enhancement of Community
 - Pathways to Employment and Promise
 - Stand By Me
- Delaware Alignment with National Focus
 - Health Care Reform

- Expansion of Community Based Programs
- National Focus
 - Employment – A Better Bottom Line (NGA)
 - Alignment with Senator Harkin and HELP committee
 - US DOL Workforce Investment Opportunity Act
 - US DOL Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities
 - US DOJ Enforcement of ADA/Olmstead
 - Disability Integration Act (S. 117, H.R. 555)
 - EMPOWER Care Act (S. 548, H.R. 1342) to extend the Money Follows the Person Program
 - The Disability Employment Incentive Act (S. 255)
- Review of Relevancy of Commission and Our Findings (2 year focus)
 - Open dialogue
- 2018/2019 Activities
 - Adopt and Activate a formalized structure to address the objectives and action steps
- Inventory Findings
 - Transportation
 - DSHA (Delaware State Housing Authority)
 - DDDS (Division of Developmental Disabilities Services)
 - Blind/Visually Impaired
 - DVI/Vocational Rehab Advisory Council
 - Division of Vocational Rehabilitation DOL
 - DSAAPD (Division of Services for Adults & Adults with Physical Disabilities)
 - Behavioral Health Consortium – 3 year action plan
- Goals of DDC (Developmental Disabilities Council)
- Goals of GACEC (Governor’s Advisory Council for Exceptional Citizens)
- Mission of Employment First Commission
- Mission of SCPD (State Council for Persons with Disabilities) – Strategic Focus
- Current Goal Development – Priority Order (2019) (Goal 1-8)
- EO #50 Rescind and Adopt/Amend SCPD Purpose/Membership
- SCPD – Strong Alignment with Commission Next Steps

Next Steps:

- Review with Governor and potential co-sponsors of Legislative branch.
- Create Legislative timeline and talking points.
- Seek passage early in Session to fulfill the work of the merged Commission with SCPD.
- Ensure adequate resources to fulfill mandate-Fiscal, Human inclusive of dedicated and volunteer support.

Rita passed around for review copies of two Reports of the Governor’s Commission on Building Access to Community Based Services 2003 and a Final Report 2019. Kyle reviewed proposed revisions to the Delaware State Code §8210 re: SCPD (handout). He stated that Todd, Terri, Rita, John, Laura and he met to review the Code and see how the efforts of the Commission and SCPD could be combined. Kyle noted that most of the proposed changes are under Purpose and Membership. Page 1 (#5-6) incorporate

language taken from the Commission's duties and responsibilities and #7 is new: act as a catalyst and facilitator for coordinated advocacy among committees, councils and organizations associated with Delaware's disability community. Proposed Membership revisions were reviewed. Notably, the Cabinet Secretary designee was removed for DHSS, DOL and DSCYF. Also, the Secretary of Education was removed and the Department of Education Exceptional Children Director was added. Many Councils were removed and Directors of agencies were added. There would be 16 representatives. Individuals appointed by Council to ensure that at least 50% of the total membership are individuals with disabilities. At least 33% of the total membership shall be composed of individuals with disabilities. Some items will be addressed in the By-Laws. Lloyd asked if the section regarding DVI and the Governor's Advisory Council on the Blind being exempt from the purview of SCPD is being removed. Kyle confirmed that it was being removed.

John commented that he thinks this will strengthen the core of the Council, including membership from Cabinet Secretaries. Kyle added that we will have strong committee structure and open up to SME (Subject Matter Experts) to address issues. Moni commented that UCP is federally mandated to be on SCPD. She will clarify this and follow-up with Kyle. Linda asked if issues would be approved or not approved by voting has been addressed. She also asked why DVR was eliminated. Kyle commented that DVR is not listed, but Department of Labor is listed, which encompasses DVR. He added that there are many issues involving people with disabilities in the employment area. The size of the Council was taken into account. John commented that we want to be comprehensive yet still manage the numbers for quorum. Kyle clarified that voting would take place the same way it does now, which is a simple majority of quorum and will be addressed in the By-Laws.

Linda questioned if everyone representing State agencies will have a vote on an issue brought before the Council. She has significant questions about that. She stated that we need to be careful that the Council is not heavily weighted with government representatives when votes are being taken. Kyle spoke about 50 percent of the Full Council be individuals with disabilities or family members and 33 percent of that total be persons with disabilities. Linda spoke about the Brain Injury Standing Committee and that it is no longer a federal requirement. There are many different types of disabilities across the state. She asked if the Brain Injury Standing Committee still needed if we take on a more comprehensive approach across disabilities. Linda spoke about people in the deaf community who do not think that the Office of the Deaf & Hard of Hearing should be housed in the Division of Vocational Rehabilitation. She hopes that there is thought about combining vision and deaf & hard of hearing or reorganization. Kyle commented that this could be addressed by the newly formed group. John commented that the Brain Injury is one of the most robust committees and he sees no reason to disband it.

Karen thanked Rita for her presentation. She wanted to put a plug in for Public Health to be represented. Although the DHSS Secretary is listed and there is Division Director representation of many of the Divisions, many of the issues are about health and health equity and it is vitally important that the Director of Public Health be included. Kyle commented that is a good suggestion and something to strongly consider.

Daniese spoke about a correction on page 9 of Rita's PowerPoint under DSHA—the word should be “disability” not “visibility.” Also, the word “integrated” need to be added to affordable, integrated, accessible housing. Daniese spoke about the Commission not having to comply with FOIA. Victoria commented that they would be held by FOIA standards. Meredith commented about the rationale of not having designees attend since we often seem to be having difficulty reaching quorum with designees. John commented that we have taken steps by changing the meeting from 1:30 pm to 1:00 pm and there

still seems to be some confusion. He said that it is paramount that we have those individuals at the table. The administrative staff need to ensure who will be there and do a better job of housekeeping. Meredith spoke about Cabinet Secretaries having many important meetings and having to prioritize. Rita added that the reason the SCPD was not designated to fulfill the role of the Executive Order in creating the Commission was the position of authority. Many of the issues that were undertaken during the time of the Olmstead Ruling was to look at goals and objectives in advance and we were able to get to a Secretary's level. The designees did not feel comfortable that they could take the message. Rita added that, as a Cabinet Secretary, there is a lot to accomplish. She said that we may want to think about what our structure is to get this work done and maybe rely on a committee-based structure to look at the work. SCPD could be utilized with the authority to move the work forward. We did not use the body of the SCPD because we could not advance. Victoria commented that Secretaries are named to hundreds of commissions and there is no way they can attend all of them. That is why it says, "or designee". She was not sure if the statute should say "the Secretary or their designee". If we want to be crystal clear that is what we want, it needs to be built into the statute. She will research what language is typically used. Under FOIA, if a Secretary said he was sending his designee, that would have to be accepted under FOIA unless the statute is specific.

Rita commented that Governor Carney has the Commission also looking at redundancy. Secretary Walker commented that this is a positive step into aligning our work more intentionally and not duplicating others' charge. We are trying to bring forth a possible solution to the issue of redundancy. This may facilitate a higher engagement from the Cabinet.

Dale stated that he wanted a rationale for foregoing the Secretary of Education for the Director of Exceptional Children Resources, especially after deciding to keep the Secretary of Labor and not designate the Director of Vocational Rehabilitation. He also asked if you are eliminating designees, how will that affect committee membership and those pieces. Kyle commented that we do not know what the best solution is and struggled with some of these, for example, the Secretary of Education, Exceptional Children Director or District representative. Kyle commented that we wanted to get your feedback and who your Department thinks should be the best representative. John added that some decisions are made at the district level and to have the Secretary speak for every district may be a reach too far. Dale added that it would be difficult to have a district representative answering for the 40 other districts and charters. John added that it would be harder for the Secretary to answer for all the districts. Lloyd add that is their job. Kyle said that they wanted to know if there was a Council of Superintendents. Kyle said that Dale could take that back to DOE.

Rita stated that we committed at the Town Hall meeting that to look at the possibility of what it would look like legislatively if we were to merge these two groups. This is the beginning of that work. Rita wants to take this back to Secretary Walker (Co-Chair of the Commission) and then talk to the Governor before we get too far ahead of it. Michael Harris spoke about the importance of not eliminating the designee. John commented that it goes back to the original intention to have decision makers and leadership directly involved in the process from the policymaker level. This is a different level of responsibility to the Council. Lloyd commented about the issue that Dale brought up about the issue of not including the Secretary of Education may not be a wise move. He noted that we have Wendy representing the Governor's Advisory Council for Exceptional Citizens. He added that we should strive to start at the top. Michael commented that the designee should not be removed since we cannot expect the Secretaries to attend each meeting and that it is their responsibility to send someone to represent exactly how they feel. He feels we will have more issues with quorum if we only allow one person to attend. John stated that this will be going back to the Governor and he may have some insight.

Susannah spoke about the membership number, including Division Directors that is 50 percent of the membership and 50 percent of the membership includes persons with disabilities or families. If no one can attend for them and they miss three meetings, they are gone. Then what do you do? She added that she attends many meetings where the decisionmaker is not there. She asked if they thought about what they would do if they lose a quarter of the membership. Kyle said that this is a proposal and will take it to the powers to be and go from there. Karen commented that when the Governor tells people that he wants them at this meeting, it becomes a higher priority. The point of this is to make persons with disabilities a higher priority. If it becomes a problem six months from now, then adjustments can be made. Pam Weir stressed the importance of having people attend meetings. You are doing a good job in getting people to attend in order to achieve quorum. She does not have an answer for the designee issue, but it merits more attention because as legislative terms change, priorities change and ultimately it will be up to the 16 family members to push and advocate and move this forward. She thinks that it is tremendous that we are asking Secretaries to be leads. She suggested an Engagement Chair be active in the recruitment and maintenance of these Secretaries to keep that work moving forward as terms change and focus changes. Designees would have to be really educated on the work they are doing. Kyle thanked everyone for their great comments. He said that this will be further discussed and brought back to the Council.

Todd stated that the mandate is coming from the law. Not having designees makes this a priority and put decision makers together and strengthens the committee level and gives them what they need to make decisions. This will be pushed legislatively, which is powerful. Secretary Coupe stated that there is a benefit to having a Cabinet Secretary being able to send a designee. He has about 22 Commissions/Committees that he is part of. He is the Chair of 9 of these, Vice-Chair on 4, serving 3 as a member and 5 he sends a designee, depending on the topic. As Chair, he is expected to run the meeting. It is a challenge, but if it is a priority, how frequent the meetings are held and things to be considered. If this is something the Governor is behind, it is an expectation. There are other committees he is on, but he can send a designee, but they do not have his voting power. Kyle thanked Secretary Coupe for his comments. He also spoke about the frequency of the meetings will have to be determined. The Council could meet less frequently and have the committees meet more frequently. Daniese spoke about the challenges of getting people with disabilities to meetings using Paratransit which can take hours and hours. We need to keep this in mind. John also spoke about the large amount of time involved, asking people with disabilities, without being paid vs. agency representatives, who are paid for their time and do not have travel challenges. The other issue is that you may not get a consistent designee. If we end up having designees, it will have to be at the Cabinet level (Deputy Secretary). Lloyd spoke about him allowing 2.5 hours to get to this meeting, 2.5 hours to get home, and 2 hours attending the meeting, for a total of 7 hours. Lloyd commented that this is a great for the SCPD moving forward and is a very positive step. John commented that Rita would be part of SCPD. Rita will be following up with Secretary Walker and the Governor and members taking information back to their Divisions/Departments.

Lloyd made a motion that this discussion moves forward with Rita taking this back to Secretary Walker and Governor Carney, gets further comments from Council members and the public, and that SCPD supports the concept. Karen seconded the motion. Motion was carried with no one opposing or abstaining. Linda asked that the documents discussed today be put on the SCPD website. Additional individual comments can be forwarded to Kyle and John, which will be collected for future discussion.

Committee Reports

Due to time constraints, this was not covered.

ANNOUNCEMENTS

Due to time constraints, this was not covered.

PUBLIC COMMENT

None

ADJOURNMENT

Todd thanked everyone for attending and participating. Lloyd made a motion to adjourn the meeting. The meeting adjourned at 3:00 pm.

Respectfully submitted,

Jo Singles
Administrative Specialist

SCPD/minsept19