

**MINNESOTA GOVERNOR'S COUNCIL
ON DEVELOPMENTAL DISABILITIES**

Wednesday, August 2, 2017
12:15 p.m. – 2:25 p.m.
Continuing Education and Conference Center
University of Minnesota St. Paul Campus
1890 Buford Avenue, St. Paul, Minnesota 55108

MINUTES

MEMBERS PRESENT

Ashley Bailey, Vice Chair
Alex Bartolic, Vice Chair
Michelle Albeck
Hanna Barr
Emilie Breit
Lisa Emmert
Pamela Hoopes
David R. Johnson
Jim Lovold
Noah McCourt
Mary Martin
Randy Miller
Kate Onyeneho
Jillian Nelson
David Quilleash
Dan Reed
Jacqueline Rightler
Reid Scheller
Lee Shervheim
Heather Tidd
Alan Wilensky

MEMBERS EXCUSED

Senator John Hoffman
Eric Kloos
Sarah Mapellentz
Carolyn Perron

GUESTS

Laurie Beyer-Kropuenske, Department of
Administration
Stephanie Nelson, Southside Services
Bonnie Jean Smith, Advocate

STAFF PRESENT

Colleen Wieck
Mary Jo Nichols

I MEETING CALLED TO ORDER

Alex Bartolic, Council Co-Vice Chair, called the meeting to order at 12:15 p.m.

II INTRODUCTIONS

Everyone present introduced him/herself.

COUNCIL PROGRAM

Colleen Wieck introduced today's program that served as an orientation for Council members and covered the following:

The history of the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) and the DD Council in Minnesota, the Five Year State Plan and federal reporting requirements.

An overview of Minnesota's Data Practices Act and the Open Meeting Law with a preview showing of two new videos on these topics - Laurie Beyer Kropuenske presenting.

The history of the Legal Aid Society and the Minnesota Disability Law Center's Center's designation as the Protection and Advocacy agency in the state - Pamela Hoopes presenting

The role and functions of the Institute on Community Integration, Minnesota's University Center for Excellence in Developmental Disabilities – David R. Johnson presenting.

1 DD Act History

Colleen Wieck presented a brief history of the Developmental Disabilities Assistance and Bill of Rights Act (DD Act). This history dates back to 1962 and the appointment of a Presidential Panel by President John F. Kennedy. The following year, the Mental Health and MR Construction Act was passed with funding for University Affiliated Facilities (now the University Centers of Excellence).

The original DD Act was passed in 1970 and called for Planning Councils, state plans that included 16 basic services, and a new term, "developmental disabilities, that was a functional and blanket term for categorical disabilities.

Since 1970, the DD Act has changed in terms of definitions, composition of the Council, State Plan requirements, and how funds are spent. The last reauthorization occurred in 2000 and included 165 compliance items. Our Council was created in 1971 by Executive Order under Governor Wendell Anderson's administration. The Council receives support and services from the Department of Administration, a designated state agency, with specific duties identified in the DD Act.

Wieck presented an overview of the Five Year State Plan, State Plan requirements, and the process involved in creating our current State Plan, approved by the Commissioner of the Department of Administration and accepted by the federal government.

The DD Act also governs the composition of the Council, members who must be represented (individuals, family members, and state agency representatives), and Council member duties. An annual Work Plan and Spending Plan are approved by the Council. The Grant Review and Public Policy Committees each have specific responsibilities that are included in the Council's Operating Policies.

A copy of Wieck's PowerPoint presentation is attached to the Minutes.

2 Minnesota's Data Practices Act and the Open Meeting Law

Laurie Beyer-Kropuenske presented two new training videos that provide an overview of data practices and the open meeting law.

The Data Practices video covered three key laws about data practices.

- The Official Records Act states the responsibilities of all government employees who create and preserve records regarding their official duties.
- The Records Management Act covers the retention and destruction of records maintained by government agencies.

- The Minnesota Government Data Practices Act, found in Minnesota Statutes, Chapter 13, regulates how government data are collected, used, and maintained; the public's right to access those data; and the rights of individuals who are subjects of government data.

Data practices apply to state and local government agencies but not to the legislature or the courts. Minnesota is unique in that all data are presumed to be public unless a specific classification makes data not public. All data are classified as public (anyone can review for any reason), private or non-public (limited access, available to the data subject for example), and confidential or protected non-public (not available to the data subject). Examples of each classification are included in the video.

This video is available at <https://www.youtube.com/watch?v=GjZISF76VcU&feature=youtu.be>

The Open Meeting Law requires that all public body meetings be open to the public. Public bodies are boards, commissions, and departments. Local bodies are school boards, county boards, and city councils.

According to the Minnesota Supreme Court, a meeting is a quorum of the members who discuss, decide, and receive information as a group regarding issues of official business. Requirements of meeting notices, closed meetings, and when a meeting must be closed are also presented. A copy of all materials disseminated to members must also be available at meetings.

Violations of the Open Meeting Law and related penalties as well as misconceptions about the Law are also discussed in the video.

This video is available at <https://www.youtube.com/watch?v=ekMYPGp9meY&feature=youtu.be>

3 Minnesota Disability Law Center

Pamela Hoopes provided an overview of some of the history of Legal Aid in Minnesota. Initially, the focus was on conditions in the state institutions. It was a request from a parent, Richard Welsch, after he visited his daughter Patty at Cambridge and the condition in which he found her, that resulted in the Welsch lawsuit.

Hoopes said that the history of developmental disabilities is on the Council website. The history includes an archive of documents and photos that are

upsetting. She added that it's important to remember these atrocities of the past, they are horrifying, but they also serve to remind us of the many changes that have been made in a relatively short period of time.

The Minnesota Disability Law Center (MDLC) is unusual in terms of its advocacy work. Eight federal grants and one state grant, funds from attorney fees, and private contributions provide the financial support. The federal grants all identify the MDLC as the state's Protection and Advocacy (P&A) agency; these grants include Help America Vote Act funds. The state grant is not disability specific.

The P&A's national organization is the National Disability Rights Network.

Hoopes said she began working with the MDLC in 1989 under a PAMI (Protection and Advocacy for Persons with Mental Illness) grant. At that time, the average length of stay for a person with mental illness in state hospitals was 12 years. A natural evolution of the system brought about changes in services for these individuals

The MDLC represents individuals with traumatic brain injury or physical disabilities, individuals who may be having problems with assistive technology devices or services, and who are receiving Social Security benefits but are encountering barriers to employment.

The MDLC doesn't use an economic means test to determine eligibility for services. Individuals served are of all ages; most are low income.

Hoopes talked about the MDLC's 2018 Statement of Priorities. Work is focused on issues rather than specific disabilities. She invited Council members to review the Statement of Priorities, and provide comments and feedback; the Survey was sent out following the Council meeting.

4 Institute on Community Integration

Dr. David R. Johnson began by noting that the Council, MDLC, and the Institute on Community Integration (ICI), Minnesota's University Center for Excellence in Developmental Disabilities at the University of Minnesota, all operate under the same DD Act but each has different functions. The University Centers began as

University Affiliated Facilities with an MR focus, and funding to build and support facilities.

Over time, the name and functions have changed. The Centers don't have a State Plan but they submit a core grant..

There are 67 Centers of Excellence; some states have more than one Center. The ICI is one of the largest. Core functions include research, technical assistance and support, consultation, and information and dissemination. The Center's national organization is the Association of University Centers on Disabilities.

The University of Minnesota is a land grant organization, not a state agency. About \$ 500,000 is received annually for administration from a Congressional appropriation; all other funds are leveraged. Dr. Robert Bruininks was the founder of the ICI. The core group of individuals who started there in 1985 are still there today.

The ICI is involved in systems change and person centered planning activities with Alex Bartolic and the Department of Human Services, works with other disciplines and schools within the University of Minnesota, and conducts studies including a study on the prevalence of autism of children in the Somali community.

The College of Direct Support has evolved into a cost effective online training program. More than 500,000 direct support staff have received training.

Hoopes added that the three groups that are funded under the DD Act here in Minnesota work well together, and respect the role that each plays. That is not necessarily true across the states.

The business portion of the Council meeting followed.

IV. APPROVAL OF MINUTES FOR JUNE 7, 2017

The June 7, 2017 Minutes will be approved at the October 4, 2017 Council meeting.

V. CHAIR'S REPORT

In the absence of Senator Hoffman, there was no Chair's report.

VI. GRANT REVIEW COMMITTEE

A. Funding Recommendation for Cultural Outreach in Racial and Ethnic Communities

Quilleash reported that the Committee reviewed and evaluated proposal submitted in response to the Request for Proposals for Cultural Outreach in Racial and Ethnic Communities

The Committee recommended approval of the proposal submitted by Horn of Africa Aid and Rehabilitation Action Network (HAARAN) and requested Council approval.

MOTION: On behalf of the Committee, Quilleash moved, seconded by Emmert to approve the proposal submitted by HAARAN for Cultural Outreach in Racial and Ethnic Communities. Motion carried, there were no dissenting votes or abstentions.

B. Reaffirm Five Year State Plan Goals for FFY 2018

Quilleash said that, on an annual basis, the Council's Five Year State Plan goals need to be reaffirmed or updated if there are significant changes on an annual basis. This is the first year of the Council's new State Plan and no changes are being recommended for FFY 2018.

MOTION: On behalf of the Committee, Quilleash moved to reaffirm the current Five Year State Plan goals for FFY 2018, seconded by McCourt. Motion carried; there were no dissenting votes or abstentions.

C. Final Funding Allocations for FFY 2018

A PowerPoint was prepared with each of the grant projects and activities, the Five Year State Plan Goal for each, and the allocation recommendation. Members were reminded about the Conflict of Interest Policy as it also applies to allocations.

Motions were then made for each allocation recommendation so that abstentions could be recorded. A total of \$ 726,162 is available for grants and represents 71% of the Council's total allocation of \$1,022,764

MOTION: On behalf of the Committee, Quilleash moved, seconded by McCourt that **\$ 120,000** be allocated for **Self Advocacy**. Motion carried; there were no dissenting votes or abstentions.

MOTION: On behalf of the Committee, Reed moved, seconded by McCourt, that **\$ 210,000** be allocated for **Leadership Development (Partners in Policymaking®)**. Motion carried; there were no dissenting votes. Albeck, Bailey, Breit, Emmert, Martin, Nelson, Onyeneho, Quilleash, Reid, Shervheim, and Tidd abstained.

MOTION: On behalf of the Committee, Quilleash moved, seconded by Nelson that **\$ 50,000** be allocated for **Cultural Outreach**. Motion carried; there were no dissenting votes. Onyeneho abstained.

MOTION: On behalf of the Committee, Quilleash moved, seconded by McCourt, that **\$ 80,000** be allocated for **Employment**. Motion carried; there were no dissenting votes or abstentions.

MOTION: On behalf of the Committee, Quilleash moved, seconded by Nelson, that **\$ 20,000** be allocated for **Training Conferences**. Motion carried; there were no dissenting votes or abstentions.

MOTION: On behalf of the Committee, Quilleash moved seconded by Emmert, that **\$ 176,162** be allocated for **Publications, Websites, and Online Learning**. Motion carried; there were no dissenting votes or abstentions.

MOTION: On behalf of the Committee, Quilleash moved, seconded by McCourt, that **\$ 50,000** be allocated for **Customer Research**. Motion carried; there were no dissenting votes or abstentions

MOTION: On behalf of the Committee, Quilleash moved, seconded by McCourt, that **\$ 20,000** be allocated for **Quality Improvement**. Motion carried; there were no dissenting votes or abstentions.

VII. PUBLIC POLICY COMMITTEE

Alex Bartolic, Department of Human Services, Disability Services Division, presented an overview of state services and public policy issues.

Susie Schatz, Lutheran Social Service of Minnesota (LSS), presented an overview of Medicaid, what it is and what it provides in both health care and long term care services for beneficiaries; LSS is part of the Medicaid Coalition, "This is Medicaid."

Schatz discussed converting Medicaid to a block grant program and the impact on individuals currently receiving services who may no longer be eligible.

In response to Reed's question about Schatz's availability of presenting this same information to other groups, Bartolic said that public meetings can be scheduled; the Medicaid Coalition is part of a national group.

Bartolic also reported that ABLE accounts are now available in Minnesota. Contributions of up to \$ 14,000 per year can be made to these accounts for beneficiary needs. Information can be found at MNHelp.Info and DB101 websites.

IX. EXECUTIVE DIRECTOR'S REPORT

Colleen Wieck provided the following updates and highlights from monthly reports:

- A. The House Appropriations Committee has proposed level funding for DD Act programs for FFY 2018. The President's proposal for a newly created entity, Partnerships for Innovation, Inclusion, and Independence (PIII), was rejected by the House. The PIII is made up of three very distinct groups with very distinct purposes.

A conference call is scheduled for today. The Administration wants to proceed and have a proposal written in the next two months.

- B. A Legacy Grant of \$ 55,000 was received from the Minnesota Humanities Center. These funds will be used to enhance "With An Eye the Past," Minnesota's history of developmental disabilities.

- C. Council appointments have been finalized.
- D. Regarding the Jensen Settlement Agreement: The Attorney General's Office has appealed the US District Court's decision on its continuing jurisdiction. The next status conference is scheduled for December 2017.
- E. Regarding the Olmstead Plan: Work began on the Prevention of Abuse project on June 20, 2017. A summary of abuse data has been submitted and investigation memos have been analyzed. Other states combine reporting, information, and training resources about abuse rather than divide these functions.
- F. Executive Order 14-14 Increasing Employment of People with Disabilities: The goal is that 7% of state government employees will be individuals with disabilities by 2018. Two efforts are underway to help achieve that goal -
 - 1. The Connect 700 Program is an alternative approach to the interviewing process and testing methods for individuals seeking competitive employment positions.
 - 2. A guidebook for the Supported Work Program is being updated. Position descriptions are being revised.
- G. A replication manual for the Ambassadors for Respect anti-bullying project is expected to be available in October.
- H. The selection panel for Partners in Policymaking® Class 35 is scheduled for August 10, 2017.

X. ADJOURNMENT

Bailey asked that the meeting be adjourned.

The meeting was adjourned by consensus at 2:25 p.m.

Respectfully submitted,

Colleen Wieck
Executive Director