



MINNESOTA GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES

June 5, 2024

The Masonic Institute for the Developing Brain
2025 East River Parkway
Minneapolis, MN 55414

MEETING MINUTES

MEMBERS PRESENT

Lee Shervheim
Jenny Arndt
Jason Blomquist
Dupree Edwards
Lisa Gemlo
Amy Hewitt
Lisa Jemtrud
Heather Kainz
Joel Liestman
Elizabeth Marsh
Katie McDermott
Chris McVey
Christine Mueller
Mike Nichols
Garrett Petrie
Jenn Purrington
Mary Raasch
Connie Rabideaux
Bonnie Jean Smith
Sumukha Terakanambi

MEMBERS EXCUSED

Lesli Kerkhoff
Abdi Matan
Alan Morrison
Jenny Santema
Erin Schwab

STAFF PRESENT

Paul Nevin
Stephanie Nelson
Colleen Wieck

GUESTS

Allison Anderson
David Dively
Sara Lawrence
Sabrina Possia
Kart Queeglay
Dan Reed
Bahram Samie
Kate Schiltz
Becky Thorson

I. MEETING CALLED TO ORDER –

The meeting was called to order by Chair Lee Shervheim at 12:16 pm.

II. INTRODUCTIONS

Shervheim invited all present to introduce themselves.

III. APPROVAL OF AGENDA

Shervheim called for approval of the agenda with one modification.

MOTION: Smith moved, seconded by Terakanambi to approve the agenda. Motion carried.

IV. APPROVAL OF COUNCIL MINUTES (April 3, 2024)

Shervheim requested the Minutes be approved from the April 3, 2024 meeting.

MOTION: Edwards moved, seconded by McDermott to approve the minutes. Motion carried.

V. THE 25TH ANNIVERSARY OF THE OLMSTEAD DECISION (JUNE 22, 2024)

The 25th Anniversary of the *Olmstead* decision is June 22, 2024. To commemorate the anniversary the Council has a three-part program. The first part was viewing the video produced by the University of Georgia UCEDD entitled, “ A Life of Choices: Lois & Elaine’s Story.”

Retired Magistrate Judge Becky R. Thorson presented the second part of the program entitled, “A Judicial Perspective on the 25th Anniversary of the *Olmstead* decision.” Her PowerPoint is attached to these minutes.

Judge Thorson based her presentation on the March 19, 2024 Continuing Legal Education course and the educational banners (An Unfinished Journey). She

emphasized that this is a decision and a case; it is not the *Olmstead* Act. Judge Thorson spoke about the number of years that people with disabilities have waited for their rights.

Important judicial decisions in the *Welsch*, *Pennhurst*, and *Willowbrook* cases have been based on *Brown v. Board of Education*. The big bang occurred in 1990 with the passage of the Americans with Disabilities Act.

The *Olmstead* decision is based on the ADA and the Department of Justice defined integration in the regulations. It is important to keep Lois Curtis and Elaine Wilson alive as heroes along with Sue Jamieson, their attorney.

Judge Thorson then described other heroes involved including those who filed amicus briefs. The case began in 1995 and went to the Court of Appeals before the Supreme Court heard the case. Justice Ginsburg authored the majority opinion and regarded the *Olmstead* decision as one of the top five cases. Justices Scalia, Thomas, and Rehnquist dissented.

“Unjustified isolation is discrimination” opened the door to freedom for millions of people with disabilities. “Segregation perpetuates unjustified assumptions.” After the *Olmstead* decision every federal judge needed to apply it. The impact of the *Olmstead* decision grew slowly. The Department of Justice filed more cases, and the decision was applied to nursing homes, waiting lists, waivers, education, and employment services so the body of law has grown.

In Minnesota the *Jensen* lawsuit was filed in 2009. Development and implementation of an *Olmstead* Plan was required as part of the *Jensen* settlement agreement. Judge Thorson was the mediator in writing the *Olmstead* Plan that was approved in September 2015 by Judge Frank.

Judge Thorson advised that we cannot take the ADA or the *Olmstead* decision for granted. Advocates must remain vigilant.

The Implications of the *Olmstead* decision—Bahram Samie, Deputy Civil Chief, US Attorney’s Office. The third part of the program was Bahram Samie and began by praising Judge Becky Thorson as a driving force for the March 19th CLE, art show, and educational banners. Bahram began by outlining the duties of the Department of Justice including the *Olmstead* decision.

Mr. Samie advised members to go to the Department of Justice website because it contains all the letters of findings. The website also contains resources, guidance, compliance monitoring, litigation, statements of interest, and how to file a complaint.

The term “most integrated setting” is found in the regulations. Integration applies to all aspects of life.

DOJ is a complaint driven system. There are eleven steps to complete an investigation which can end in a Findings Letter.

Mr. Samie then reviewed recent *Olmstead* cases in Nebraska, South Carolina, and Maine.

Discussion included how will the lawsuits be fixed. Another question was asked about the type of disabilities covered in each of the cases and that is defined in the original complaint. Since each state is different DOJ starts from scratch. All disputes must be fact based and fact specific. Even with waiting lists, a state can reallocate resources. A recent lawsuit was filed against Anoka about people with mental illness and housing discrimination. A question was asked about filing a complaint about the Minnesota waiver system.

VI. GRANT REVIEW COMMITTEE REPORT

The Grant Review Committee reviewed six proposals in response to the RFP entitled, “Targeted Training for Individuals with Developmental Disabilities and Families in Racial and Ethnic Communities RFP.” Shervheim reported that the Autism Sibs Universe proposal be approved.

MOTION: Shervheim moved on behalf of the Grant Review Committee that \$70,000 be awarded to Autism Sibs Universe. The motion was seconded by Nichols. Motion carried. There were no abstentions.

The Committee also discussed the turnback of training conference funding and reallocating the funds to the program goal of publications, online courses, and websites.

MOTION: Shervheim moved to reallocate \$1,294 to the program goal of publications, online courses, and websites. The motion was seconded by Smith. Motion carried. There were no abstentions.

VII. PUBLIC POLICY COMMITTEE REPORT

The Office of Legislative Auditor made two presentations this morning. The OLA plans to conduct a program evaluation on the topic of guardianship. Members were joined by several guests interested in this topic. Opportunities were provided for members to provide input about guardianship. The discussion ranged from the need for guardians to be person centered to guardians providing no choices. Jenn Purrington discussed the dangers of emergency guardianship being filed and the person does not know.

The second presentation was a discussion the findings of the Metro Mobility program evaluation. There were several problems documented such as timeliness, leaving people, inadequate complaint process, and poor customer service.

David Dively, MCD, described what happened during the 2024 Legislative Session. The 2024 Legislature passed a Task Force on Guardianship, pay issues for Lyft and Uber drivers, and the RISE Act.

VIII. EXECUTIVE DIRECTOR REPORT

- The Council received its final allocation for FFY 2024, and it is \$1,152,808. The Grant Review Committee will recommend grant allocations at the August 2024 meeting.
- The Council received its feedback from the federal government about the 2023 Program Performance Report. No compliance issues were noted.
- The graduation of Class 41 Partners in Policymaking was held on May 18, 2024. Katie McDermott gave the graduation speech and Dupree Edwards joined Katie in presenting graduation certificates to the graduates. We are now recruiting for Class 42 of Partners in Policymaking, and we have marketing flyers for our Council members.
- Katie McDermott was reappointed to the Council for a 3-year term. The only remaining member to be reappointed is Abdi Matan.
- The Council needs volunteers for two committees: Emergency Planning for Functional Needs and the Task Force on Guardianship created by the State Legislature
- In April, we gave away Treat People Like People buttons and posters at the Autism Society of Minnesota Conference. We will be also giving away Treat People Like People information at the Pride event at the end of June, the Association of Residential Resources of Minnesota conference in July, and at the State Fair in August.
- The 14th Annual Disability Justice Seminar was sponsored by the Robins Kaplan law firm on May 23, 2024. The overall topic was accessibility. Secretary of State Steve Simon was the lead speaker followed by Sumukha Terakanambi and Judge Donovan Frank. Justin Page, US Attorney's Office; Irina Vaynerman, Minnesota Department of Human Rights; and Sarah St. Louis, Architect.
- We began bringing the Mobile Museum to high schools and Edina was the first. Their student council decided to create a short video about the impact of the traveling exhibit and this is the link:
https://drive.google.com/file/d/1peNNNmefznIS5U1aS-L2R_EKF802_6T6/view?usp=sharing

IX. PUBLIC COMMENT PERIOD

Shervheim invited any final comments and announcements.

- There are two committees seeking volunteer members for the Guardianship Task Force and the Emergency Planning committee. Anyone interested should contact Lee Shervheim.
- The Disability Law Center is asking for input about their priorities.
- Rare Disease Advisory Council is hosting a legislative briefing. Invitations will be sent to all members.
- Sumukha Terakanambi has published a series of blogs and has started a podcast. Information will be shared with the Council.

X. ADJOURNMENT

Shervheim called for adjournment of the meeting at 2:34 pm.

Respectfully submitted,

Colleen Wieck, Executive Director