

**State Rehabilitation Council (SRC)**

**March 30, 2015**

**9:00 a.m. to 12:00 p.m.**

**MINUTES**

**Utah State Board of Education**

**Main Conference Room**

**Conference calls: 1-877-820-7831 269450#**

**Next Meeting: Wednesday, April 27, 2016**

<b>PRESENT:</b>	Ken Gourdin	Sharon Brand	Kent McGregor
	Sandy Terry	Melissa Freigang	Rob Ferris
	James Harvey	Rylee Williams	Evelyn Owen
	Susan Loving	Mark Turley	

<b>PHONE:</b>	Tammy Wood	Merina Pope
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<b>EXCUSED:</b>	Jan Carter	Paula Seanez	Amy Powell
	Helen Post	Amberley Snyder	Kelly Boehmer

<b>USOR Staff:</b>	Darin Brush	Aaron Thompson	Emily Stirling
	Gordon Swensen	Lynn Nelsen	

<b>GUESTS:</b>	Lindsay Boerens	Leah Lobato
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**INTERPRETERS:**

**WELCOME/MISSION STATEMENT**

Kent McGregor, Chair, welcomed Council members and called the meeting to order at 9:03 a.m. The Mission Statement was read by Melissa Freigang. Kent requested any amendments or corrections to the February 2016 minutes as presented to the Council. Several corrections were mentioned and amendments made. Motion was made by Melissa Freigang to approve the minutes as amended. Motion seconded by Sharon Brand. All were in favor, none opposed.

Darin Brush and Jon Pierpont (DWS) are presenting a live broadcast for all staff this morning, and the link to the archive will be sent to the SRC. We will invite Jon to the SRC meeting next month to present the transition plan to the Council. Darin and Jon have discussed the importance of the SRC and why it functions at such a high level. The Council's review and feedback will help impact decisions as we serve VR clients throughout the state. HB 325 was signed and moves USOR without significant changes on 1 October, 2016. The bill requires that there be a transition plan in place by June 1<sup>st</sup>, and a report to the public every two weeks thereafter. USOR came into the legislative session with several building block requests, and we did very well. Of about eleven funding requests, the governor's office recommended four, and the Legislature funded most of them. In fact, the Legislature also restored \$500,000 to the DSBVI restricted fund. There will be a ceremonial signing of the bill next month. USOR will have a draft transition plan out by the next SRC meeting in April, to ensure time for public comment. Throughout the month of May, Darin and Jon will visit district offices to present the plan. Public meetings will also be held throughout the state. We will be amending the state plan (Workforce Innovation and Opportunity Act Unified Plan) as is required when moving from one parent agency to another. The law also establishes a temporary, restricted transition account so that obligations made while still under USOE can be paid. It basically places money in a kind of escrow account to make sure we can pay our bills here and at DWS as we transition. We will vacate our presence at the USOE by July 1<sup>st</sup>. DWS will house about a dozen USOR staff at their North Administration office, and the others will move to the Buffmire building. We also have four or five full time accounting staff that DWS recognizes the need for, and these are people who will migrate with us.

There are three audits of the vocational rehabilitation program that will be released in short succession. The first is an internal audit conducted by the internal audit group of the State Board of Education, triggered by calls to the fraud and abuse hotline, mostly around DSBVI VR cases. That audit delved into a small sample of cases (21), and we've responded to the draft. We expect that the Board of Education will make it public soon. It is expected to be presented to the State Board of Education in April. We will provide a copy of the audit to the SRC and to the advisory council at DSBVI. The second audit is the second part of the Office of the Legislative Auditor General. This audit looks at case service for VR. It is a very useful audit and it suggests that we have made significant progress with some of the concerns that they raised. The third audit will be conducted by the State Auditors in April and will also look at the VR program, as well as services at the Disability Determination Services Divisions. (DDS). We expect to see it out in May or June. One of the issues in these audits is the accountability and oversight of our VR cases at DSBVI. DSBVI and VR are combined programs. At DSBVI, we have only one person who serves simultaneously as the supervisor, district director, and field service director. Authority and approval of VR cases were tied to this one person. We needed to change this in terms of oversight. At DSBVI our seven VR counselors will remain specialized in terms of case load, but will report to a VR supervisor. This process will be informed by the Governor's Office of Management and Budget (GOMB). Darin invited the GOMB to look at the issues around DSBVI, and that will be complete in less than 90 days. At that point we will make changes to improve consistency and oversight at DSBVI.

Last week our management team met with DWS to start the planning process. It was a very positive, collaborative meeting. We assigned ten workgroups around key areas, like system

integrations and system migration, human resource issues, and budget and finance etc. It also includes migrating our federal grants and our financial processes for payables. Each of the ten work groups have a leader from DWS and a co-leader from USOR. They will make an initial report back to USOR and DWS this Friday, with the goal of trying to prioritize the issues. Our guiding principle for transition is to provide continuity of service and minimize the impact on staff.

## **DIRECTOR'S UPDATE**

**AARON THOMPSON**

We are focusing on improving services to clients and supporting counselors with specialized client bases, and will include this as a goal and priority within our state plan. The state plan was updated to include the area of integrated competitive employment for people with most significant disabilities (MSD). The most critical concern is that DSBVI is lacking sufficient internal controls. Under DRS, counselors are part of the team with peer support, guidance and mentorship under a supervisor, district director, and field service director. Under DSBVI there was a compressed model where one person filled all these roles for seven counselors located throughout the state. The first key strategy is transitioning the supervision from DSBVI to DRS. The DSBVI counselors will keep their specialized client bases but they will be reporting to a supervising counselor and a district director. We will provide targeted training to blind and visually impaired counselors in the VR program. We will set up a learning collaborative for counselors to fall back on, even though they may be housed in separate offices with specialized client bases. Another consideration is counselor isolation and lack of knowledge about co-occurring disabilities that we are addressing. Also, client record reviews are lacking compliance with the client service manual and state and federal policy and procedures. All counselors are held to the policies in the Client Service Manual. We want to maintain relationships with Utah Schools for the Deaf and Blind and update materials so they're accessible and current. DSBVI has certain specialized services for the blind that other disability groups do not have. We need to keep the general component for the rehabilitation side of it, but we also need to maintain the specialized services for the visually impaired. Of our four divisions, DDS does disability determination services and doesn't have anything to do with VR. DRS is our largest division and we have separate divisions for the deaf and the blind. Steve Winn said when the change is made, the intention is not to change the service DSBVI provides, but to change the oversight. The services and responsiveness to blind and visually impaired individuals in Utah has been good and hopefully those services will continue and become better. Stacey Cummings said the RSA has identified the change of oversight as a structural change and not a programmatic change, so we will not need to hold public meetings. It would become an addition to our state plan.

Within the VR program there are changes under the new federal regulations and requirements. We will expand service delivery to individuals who require supported employment services. Under WIOA, there are restrictions regarding individuals in supported employment and sub-minimum wage, especially under Medicaid services and Employment First legislation. We have identified key strategies to expand collaboration and outreach under the new regulations. We are updating our supported employment rules and policies, and are rolling out customized employment to ensure our counselors are trained on the new rules. The goal is competitive, integrated employment. In terms of the VR state plan, we'd like to get the SRC's feedback and have a motion of support for an addition to the state plan. Melissa made a motion to support

these changes as a Rehabilitation Council. Motion was seconded by Mark. All the Council was in favor, none opposed.

The Unified State Plan will be officially submitted on 3/31/16. On April 1<sup>st</sup> it goes to review on a federal level and will also be sent to the RSA. We anticipate more state plan updates over the coming weeks. The final version of the internal USOE audit will be released in mid-April, and we'll report to the Council about the actions we're taking based on that audit. The MSD category has been open since November, and approximately 1700 people have been released. Since January 11<sup>th</sup> about 250 individuals have been determined eligible and classified as MSD. We partially opened the second category of Significantly Disabled (SD) and have released 1500 individuals over an 8 week period, but there are still over 2,000 on the SD waiting list. We're monitoring our spending patterns to see when our expenditures hit. We need to be confident that we're solvent before we open up the SD category again. In the last category of Disabled (D), we have over 900 on the wait list and it has not been opened yet.

## **AGRABILITY**

**EMILY STIRLING**

The original chapter in the case service manual is called the AgrAbility section. AgrAbility is a program run through Utah State University (USU). The old chapter was a description about the differences existing between general VR and specialized services. The new chapter discusses helping a counselor determine if they are going to support a client with farming/ranching as their primary employment goal. Counselors need to determine whether farming is a vocation or a hobby and the revised chapter provides guidance on how to proceed. It also adds Assistive Technology (AT) resources so we're not just relying on the AgrAbility program. USU is the expert in Utah on farming and ranching and we consulted with them for our chapter updates. For AT needs that are simple in nature, for instance adding a camera to the back of a tractor, the client can use their local Independent Living (IL) center or Utah Center for Assistive Technology (UCAT) as an option. Counselors determine the viability of the farm and complete a financial needs form. A farmer could have a sustainable farm but not be able to supply a monthly contribution. The counselor will take the last three years' incomes, average the number and divide it by 12 to get a monthly income. During the comprehensive assessment the counselor will decide if the farm is someone's hobby or their primary employment. There are two pathways for AT, (a) the simple route or (b) getting the specialists at AgrAbility involved. Simple AT accommodations can be done by UCAT or the local IL center. AT requests that are more complex will go through the AgrAbility assessment through USU. AgrAbility would identify an individual's limitations/barriers, and provide recommendations, referrals, and job restructuring. AgrAbility will complete the viability test, issue a report on the test for the counselor, and examine the need for AT recommendations. The new chapter is mainly procedural in nature, and doesn't change anything in regards to eligibility determination. It is guidance for the counselor to assess the clients' needs. An activity like beekeeping would fall under ranching, and there is a portion of the policy that discusses how to decide whether the activity is a vocation or avocation. There are five criteria in determining vocation/avocation, and the client needs to satisfy at least three of them. Farming/ranching overlaps with the self-employment policy, but this chapter is just for existing farms and ranches.

**PRESENTATION - DISABILITY LAW CENTER**

**LINDSAY BOERENS**

The Disability Law Center (DLC) is a private nonprofit law firm in Salt Lake City, with services statewide. Their mission is to enforce and strengthen laws for people with disabilities in Utah. They've been in business since 1978 from legislation that came about as a result of the Willowbrook investigation. DLC's are present in every state in the United States. There is also a Native American DLC located in the southwest corner of Utah. DLC procedure starts with intake by their Short Term Assistance Team (STAT). They assist with self-advocacy and train people with disabilities to do self-advocacy on their own. DLC provides information and referral services, and advocates for high quality community aid services. They're currently working on the Home Community Based Services (HCBS) implementation. They represent individuals whose health care has been terminated, and assist clients with getting access to public places, transportation, as well as AT devices. There is an abuse and neglect team. DLC makes sure people with disabilities have the right to vote, and they assist with higher education accommodations. The education team also helps youth with their IEP's and inappropriate educational settings. DLC has an employment team that specialize in CAP issues with VR and their counselors. DLC is not motivated by money, and their work is funded by federal grant dollars. They provide work-related Social Security overpayments help. DLC's fair housing team helps with housing discrimination issues. They also have a public policy team which promotes legislation for people with disabilities. There are things the DLC does not do, i.e. family matters, divorce, custody, child support, unemployment denials, and areas of the law that aren't specific to people with disabilities. CAP assists clients or advocates of people with disabilities who have problems while on VR. Advocates take cases on an individual basis to help people get the services they need. The nature of CAP complaints has changed between the time VR went on OOS and now. Prior to OOS clients complained about eligibility denials, self-employment, services to be provided, and paying for school. CAP now hears from clients who are upset about the wait list, paying school fees and having their cases closed. They are also hearing about eligibility and classifications disagreements. The use of the PELL grant has become an issue as some clients want the Pell grant to pay for sustenance costs instead of school fees. There are about 6-8 cases a year that go to formal review and fair hearing. CAP works with VR counselors, district directors or field service directors to come to an agreement prior to a formal review. The key to every CAP case is whether or not a legal argument can be made. The DLC advocates for the client and are not a neutral 3<sup>rd</sup> party. The client directs their advocacy efforts and DLC only advocates for the services the client asks for. The client decides whether to accept or reject any decisions made by VR. They work together with individuals to break down barriers to employment. DLC's offices are located at 205 North 400 West in Salt Lake City, and services are provided free of charge.

## **PRESENTATION - DISABILITY MENTORING**

**LEAH LOBATO**

Leah is the Director of the Governor's Committee on Employment for People with Disabilities, as well as the Director of Business Relations. Tom Smith is the new Business Relations specialist for the state. Leah and Tom also partner with the Choose to Work (CTW) program and CTW specialists throughout the state.

Business Relations has been involved in many activities of late. On March 16<sup>th</sup> they had a tour of Boeing's three locations in Utah, and counselors were able to see the company and the company culture. Four clients and one counselor took the tour see what it might be like to work there. There is a Job Fair on April 12<sup>th</sup> targeted towards people with disabilities. There will be

businesses on site that are disability friendly. Workshops are presented the day of the event. The first one starts at 9:30 prior to the Job Fair. Our DWS partners will be presenting on how to get the most out of a Job Fair. There will be a workshop on interviewing and how to dress for success. There will be an employer panel and a presentation on working in state or federal positions. Our UWIPS team will present on keeping benefits while working. The fall Job Fair will be October 4<sup>th</sup>, 2016. Leah and Tom had an Employer Workshop in March, where businesses learned about hiring people with disabilities. They added two additional workshops in the afternoon, one on mental health in the workplace and the second on accommodations in the workplace. Their next Employer Workshop will be in September with two different workshops that afternoon. They post jobs through the USOR website, and on the DWS system at pwnet. Clients can also see job postings by searching for “disability” on the DWS website. With WIOA legislation and outreach to students, Business Relations has ramped up mentoring activities. In the past the Governor’s Committee on Employment for People with Disabilities had done one mentoring event a year, usually in the Salt Lake valley. In 2014/15 we did two mentoring events. This year we have a lot more. The first one was a partnership the Downtown office put together with companies in their building. They had students tour each of the different businesses in their building. The Downtown team led this effort and Leah met with them to provide guidance on how to set up the event. It was a great pilot of how an office can organize an event. Business Relations did a mentoring event with Goldman Sachs, and 24 students participated. Goldman Sachs was impressed with the students’ skills and abilities. Business Relations also toured Henry Schein in American fork with 19 students in attendance plus two parents, and a team from the Provo office. Yesterday was the Intermountain Medical event at the Murray hospital location with 50 students attending. They were able to open different areas of the hospital to the students, i.e. central processing, x-ray, and phlebotomy. These are all entry level positions that a high school graduate could obtain with training. They talked about what kinds of jobs were available in hospitals and clinics. The Union Pacific tour that Sharon helped coordinate will be on April 25<sup>th</sup>. Union Pacific will take their simulators to Sky View High School for a mentoring day. On April 28<sup>th</sup> in Vernal, Coy Jackson’s team will be hosting a tour much like the downtown office did, at the Uintah County Museum/Library. Uintah County will bring trucks and other equipment they use at work to show the students. Coy has invited three high schools to attend and it will be the largest event we’ve had for a mentoring day. Leah got feedback that some students don’t want to label themselves as a student with a disability, so the name has been changed to Transition Mentoring Event. The purpose of mentoring day is to get students out to a community business to let them know what’s out there. With the move to DWS, the Governor’s Committee will be undergoing some changes as to how the committee is made up. We need to get our Utah Business Leadership Network (UBLN) up and running so businesses can stay connected. We’re always looking for new business partners who want to participate with the Governor’s Committee, so if you know of anyone please let Leah know. The Golden Key Awards that recognizes business that hire people with disabilities will be held in September and Leah will get the nomination form out to Gordon and Lynn. Another employer workshop will be in September and any business partner who is interested can attend.

**OPEN DISCUSSION**

**KENT MCGREGOR**

Melissa gave a nomination committee report; we have one person who has filled out an application that we're interviewing tomorrow morning. We are sending out another call for nominations. We still have 5 more positions to fill. Encourage everyone to share and nominate individuals that you want us to reach out to. Leah will share the nomination invitation on Facebook and Twitter.

Evelyn said the DLC's CAP cases are really low right now. Susan reported that yesterday representatives of VR and DSPD (Aimee Langone and Tricia Jones-Parkin) visited another school district that is participating in Employment First activities. We now have three school districts who are participating in our Employment First and school-to-work transition activities. The educators will be learning about Employment First, customized employment, and the discovery method for transition assessment on April 19<sup>th</sup>. Mark at DSBVI reported that they had a good advisory council meeting, and are looking forward to the changes occurring in structure at DSBVI. Sandy said from the time OOS went into effect March 2015 to March 2016, the number of people with disabilities that DWS served was 464 customers for the WIOA/Youth and Adult program. 266 of those were common customers to both DWS and VR. It would be helpful to have a regular reporting on the DWS statistics. Sandy pulled the numbers out of the DWS UWORKS system and can easily pull those statistics and report them to the Council on a more regular basis.

Meeting adjourned at 11:45 a.m. Next meeting is the 27<sup>h</sup> of April, 2016.

Minutes submitted by Lynn Nelsen.