

**SILC TELECONFERENCE MEETING  
FEBRUARY 19, 2014 8:30AM-12:00PM**

Members in attendance: June Hermanson, Chairperson, Michelle Williamson, Mary Olson, Astghik Iknatian, Troy Spang, Tom Osborn and Dick Trerise

Members not in attendance: Melissa Kase, Jim Brown and Courtney Damron

Staff attending: Julie Clay, Peggy Williams, Jim Marks and Kathy Brook

Visitors in attendance: Tami Hoar, Mike Mayer, Joel Paden, Joe Burst and Bob Maffit

The meeting minutes from the November SILC meeting were accepted as written. The motion was made by Mary Olson and seconded by Troy Spang. The motion passed.

**Update of Disability Employment and Transitions Division (DETD)**

Jim Marks, DETD Administrator reported that the division has a new RSA team. Relevant to the SILC is the new IL contact person, Felipe Lulli. Mr. Lulli requested a plan to distribute Part C monies for the CIL offices that receive this type of funding. He said the funding will be distributed starting Oct 1, 2014.

On February 4, 2014 the four CIL directors and some of the staff met with Jim Marks, Clay Calton, Karie Whitlock, Peggy Williams and Julie Clay following a meeting with Richard Oppen. They discussed the EPP process and the fiscal staff described what is needed. Jim described the two categories of EPP requests, present law and new proposals. The two youth programs, MYLF and MYTransitions, are new proposals and will be submitted as one request. The CIL directors described their new proposals as being \$60,000 per center for each year of the biennium to build capacity of underserved populations and areas.

Jim gave an update on the Promise grant, a consortium of six states to study services for students ages 14-16 receiving SSI. CILs will be subcontractors for the grant.

Dick Trerise reported on a grant working with the Rural Institute on a curriculum centered on language arts and technology.

The VR/IL town hall meeting will be held March 28, 2014 throughout the state via a satellite based communication system. This a new name for the public hearing which allows public comments on IL and VR state plans.

On the federal level, the Congress is preparing to vote on the Workforce Investment Act. Of specific interest is Section 511 which addresses sub-minimum wages. Also, President Obama

raised the minimum wage to \$10.00 an hour for federal contracts. Jim also discussed the legislative language to move the Independent Living Program from the Department of Education to the Department of Health and Human Services and the VR program will move to the Department of Labor.

Tami Hoar of MILP is the Region 8 representative for NCIL and will attend the NCIL conference in Washington D.C. to learn more about Senate Bill 1356.

June reported that Michigan has requested information regarding the youth transition programs in Montana.

### **Old Business**

**Budget-** Julie reported on the IL program budget period ending January 31, 2014. In reviewing the IL Program budget information sheet, she noted that the SILC had spent \$2,965 and their budget for 2014 is \$23,396 with a projected expense of \$11,220 and a surplus of \$12,176. The IL administration is projected to have a deficit of \$17,065. This budget was based on the FFY 2013 budget amount until a final budget is approved by RSA. The Part B grant award is estimated at \$328,288 including the General Funds match for FFY 2013 with sequestration reduction. The FFY 2014 grant award was received a couple weeks after this meeting and after the current budget documents were developed by the budget analyst.

The FFY 2014 federal award is \$305,350 and the General Funds match is \$33,928 for a total of \$339,278 to fund the Independent Living Services Program. The IL Part B budget breakdown is: \$12,176 for SILC; \$78,419 for Administration; \$220,683 for CIL contracts; and \$28,000 for indirect costs. Projected costs assume program manager and staff working 75% of time on IL grant activities for FFY 2014 from November 2013 to September 2014. The FFY 2014 grant award was increased by 3.34% from last year.

Mary asked if the SILC will need to make additional cuts. At this time the figures are projected expenses and the costs may not be spent.

Members requested that a new budget be forwarded to them showing how the monies will be spent and how the additional monies will reflect a balanced budget. The Executive Committee will make the final budget decisions.

Tom made a motion to send monthly budget information to SILC members. The motion was seconded by Michelle and was passed.

**2013 Governor's Report-** This report was forwarded to SILC members and the Executive Committee for suggestions, comments and corrections. It was decided that hard copies of the report were not necessary at this time. Mary asked whether the photos were accessible for screen readers and this accessible feature will be added to the document. Mary Olsen moved the

acceptance of this report and Tom Osborn seconded the motion. The motion passed. This report will be posted on the SILC website.

**Nominations Committee** -June requested that a meeting date be set for this committee. It was decided that the committee will meet on a monthly basis beginning on Wednesday, March 12, 2014 at 1:30pm. The members of this committee are: Courtney Damron, Joe Burst, Bob Maffit and Troy Spang.

Julie reported on the SILC nominations status: Quentin Johnson withdrew his name for consideration for personal reasons, and Melissa Kase has resigned due to health issues. The Nominations Committee members made their recommendation to forward Robin Idol's name to the Governor.

New appointees from Governor's office are as follows: Lori Gaustad, Elizabeth Varnum and Jerry Clark. Julie needs to contact Wendy Nicolai, DPHHS director's office, regarding the composition of the SILC which needs to meet two requirements: "The majority of the members must have a disability and not be employed by a CIL or state agency." Only six of the thirteen SILC members meet the necessary requirements, but six of the ten SILC members meet the voting eligibility requirements. The Nominations Committee will work on this issue. It was suggested to use the existing pool of applicants on file.

Mary asked which positions need to be filled. Julie reported that Melissa Kase represents the disabilities community. Bob Maffit requested an outline of member qualifications to be forwarded to the Nominations Committee before their upcoming March meeting. Some items that the committee needs to address are: 1) appoint two additional members to serve on the SILC in order to be compliance with the SILC bylaws and the Rehabilitation Act of 1973 as amended; and 2) develop a plan to fill the vacated SILC positions and have an applicant pool ready. Bob asked that members be categorized by their terms in order to assist with completing a recruitment plan. For instance, Mary Olson's term will expire Dec 1, 2014.

The Nominations Committee will report at the May SILC meeting. The applicants on file are: Monique Casbeer, Richard Frisbie (a paid Summit employee) and Robin Idol. Julie will contact the Governor's office regarding SILC membership requirements and the actions that the SILC will need to do to be in compliance.

### **IL Program Manager's Time**

June proposed moving the decision to the Executive Committee to discuss and work with Julie to finalize the report. This revised document will be reviewed at the May SILC meeting. All members were in agreement due to better use of phone/meeting time.

## **SPIL Evaluation Committee Report**

The Evaluation Committee will meet and review the progress of the activities from the first quarter of the SPIL. The first quarter progress report will be summarized and include the activities from the CIL directors' quarterly reports. Julie will forward the combined report to the SILC.

Julie and June attended the State Employment Leadership Network (SELN) meeting in January. The preliminary results of the providers' survey for people with developmental disabilities (DD) were shared. Most people who were employed by sheltered workshops made less than minimum wage. Most people who are members of SELN are providers of programs, including sheltered workshops, serving people with developmental disabilities. Closing sheltered workshops is not a SELN objective, but increasing integrated employment is a goal. A SPIL goal promotes moving the employment setting from sheltered workshops to integrated employment for people with disabilities. Tom mentioned that Kelly McNurlin, Developmental Disabilities Program, coordinates the SELN meetings and was a presenter at the VR Council. She made an informative presentation on sheltered workshops. She may be a good presenter at the next SILC meeting. She was asked to present at the February SILC meeting but was unavailable.

**SILC Training Goals and Methods-** Julie will continue to send out SILC information and training opportunities on Fridays.

### **New Business**

**Change Bylaws-add additional duties to the Executive Committee.** The SILC agreed to move the duties and responsibilities of the Budget Committee to the Executive Committee. There was discussion regarding the changing of the bylaws, but it was noted that the existence of a Budget Committee is not listed in the bylaws. In the past, it was a practice to combine the Budget Committee with the Bylaws Committee. Therefore, it was decided that there was no need to change the bylaws. It was decided to use the current language and move the Budget Committee duties to the Executive Committee on an as needed basis. A motion was made by Tom, seconded by Troy, and passed.

### **History, Philosophy and Culture of the IL by Tom Osborn, NCILS, Executive Director and Mike Mayer, Summit, Executive Director**

Tom described the history of the civil rights movements including social movements, principles of normalization, de-institutionalization, self-help movement and the shift to individual empowerment. The Independent Living (IL) movement was consumer driven and one of the first independent living centers was founded in Berkeley by Ed Roberts. His leadership was to move the treatment of people with disabilities from a medical model to living in communities including being able to access various buildings on the Berkeley campus. During this time, Vietnam veterans were coming home with serious injuries and needed community services.

Important issues during this time were the need for self-direct attendant care and accessible public transportation. The advocacy group, ADAPT, fought for personal attendant care and accessible public transportation during various phases of its existence.

The focus was on changing society's viewpoint on people with disabilities and not trying to fix the individual. The IL movement promoted the need to change the environment to make it accessible for people with disabilities to live and work in their communities.

Important legislation which increased the rights and services for people with disabilities included the 1973 Rehabilitation Act as amended, accessible public transportation, the Civil Rights Act of 1964 and the Developmental Disability Act. The 1978 amendments to Rehabilitation Act included Title VII which provided funding to develop centers for independent living. A great disability advocate leader, Justin Dart, assisted in the passage of the Americans with Disabilities Act in 1990. Other IL organizations which provided support for the needs of CILs include the Independent Living Resource Utilization (ILRU) program and the National Council on Independent Living (NCIL).

The Montana CILs started with the development of Summit and MILP in 1981. LIFTT and NCILS were established in 1989 and operated on Part B monies with a general fund match.

**IL Philosophy-** Mike Mayer added some more information regarding IL. He reflected that multi-media resources present the history and struggle of the IL movement better than words can express. Some materials which are available at Summit are informative regarding the IL movement and philosophy. IL philosophy promotes consumer control, the consumer has the right to choose services and make their own decisions to direct their life. The promotion of self-help and self-advocacy gives an individual the power to control their lives instead of being a victim. It also teaches people to speak up and advocate for themselves. Another important IL service is peer support. It is a relationship where a person with a disability can help others with disabilities through shared experiences, therefore providing support for each other. People learn that they are not alone and a peer can serve people of all disability types. Mike also talked about the medical rehab model to the movement of the IL model and mentioned that IL history and philosophy training is available online.

Mike described the impact of the Olmstead Act on the right of people with disabilities to live in communities. This is a Supreme Court decision that affected community living to reinforce the discrimination clause and allows the choice of where an individual wants to live. The Olmstead Act impacted the de-institutionalization of people living in facilities to have the right to live in a community and take risks. CILs are available as a support network to help a person transition from a nursing home to community living.

Money Follows the Person (MFP) is a grant program that can be a tool to transition people from facilities to community living. Montana received the MFP grant in 2012 which focuses on

transitioning several different populations from various facilities. The transition process has gotten a slow start but at this time it is estimated to start this summer.

Dick Trerise said that he would share the history of Special Education. This document will be forwarded to SILC.

### **VR Council Report**

Tom reported on the VR Council meeting and suggested completing a training module at the SILC meetings that is similar to what the VR Council does. The Order of Selection was discussed.

### **Candidate Survey**

Discussion regarding the need to have the candidate survey completed and ready to distribute by the end of March led into several identified steps to accomplish the completion of the survey. The objective is to develop a candidate survey based on legislative priorities and issues identified in the 2013 IL symposium. The purpose of the informative report is to educate the candidates and increase the IL community awareness of candidates' positions on issues in this survey. Activities to be accomplished are to meet with the Legislative/Advocacy Committee to identify the priorities and issues from the symposium report and task forces. Some identified topics were transportation and affordable/ accessible housing. Topics from the old survey included: housing, Medicaid spend-down, transportation and youth/transitions.

The survey needs to be short and simple in order to increase returns. Another suggestion was to develop a committee to work on the survey. Julie asked the CIL directors for task force and legislative issues to be identified. The emphasis was on the need to have a document ready for distribution. Tom, Mike and Joel volunteered to work together to make a list of issues legislators need to be informed on.

### **Public Comment for CIL Funding and Distribution of the Monies over the Part C COLA**

On February 6, 2014 Montana was notified by RSA that, "Montana is expected to receive \$839,761 in FY 2014 Part C funds. This represents a \$27,169 increase from FY 2013, of which \$9,292 is above your state's COLA. In compliance with the Rehabilitation Act's section 722(e) order of priority, RSA will distribute the portion of the increase above COLA among the centers for independent living based on your state's FY 2014-2016 State Plan for Independent Living (SPIL). Specifically, SPIL section 3.2 will determine:

- 1) whether any of the increase above COLA will be used to establish a new CIL; and/or
- 2) how the Part C increase above COLA will be distributed among the existing CILs, i.e., proportionally, equally or by an alternative method."

The RSA staff wrote, "The SPIL states that additional Part C funds above COLA would be utilized to "equalize funding among the centers." However, this statement does not provide

sufficient guidance regarding the amounts and/or percentage of the \$9,292 in available above-COLA funds that would go to the existing Part C CILs in your state. In order for RSA to distribute your state's FY2014 Part C funds, you must indicate how the above-COLA funds are to be distributed to the state's four Part C CILS (e.g., proportionally, equally, other).

Given the nature of the requested information, RSA will likely require a SPIL amendment and corresponding public hearings with at least 30 days advance notice, pursuant to 34 CFR 364.20(g)."

The SILC needs to identify a venue to listen to and gather public comments. One option was to ask the CIL directors to be WebEx hosts for the public comments. The focus is to include the Part C monies over the COLA that need to be distributed. A SPIL amendment needs to address the statement in the SPIL Section 3.2.

The next step is to develop a definition and a formula for CIL equalized funding. The COLA needs to be included into the definition and formula. Some suggestions included review past SPIL documents regarding the definition of equalization; ask RSA for suggestions; a percentage is based on each grant; combine all funds together and then divide them evenly; how do they decide to divide the funds; the SILC needs to look at funding through a global viewpoint; how is the money spent; how can SILC define the equalization of funding to CILs; the need to balance the funding occurs when Part B and C received COLA's based on each CIL's grant this lead to CILs receiving more funding than the others, this occurrence lead to the unbalanced funding for each CIL.

Julie was asked to draft a definition of equalization for the Executive Committee meeting on March 6, 2014 and asked RSA for an extension.

### **SILC Meetings Outside of Helena**

Discussion regarding having a SILC meeting in another part of the state was tabled until the May meeting. The SILC budget needs to be reviewed to see if this is affordable.

### **Public Comments-None**

Meeting adjourned at 12:05pm.