

**Joint Meeting of Montana State Rehabilitation Council
And
Montana Statewide Independent Living Council
May 10, 2023
Helena, MT
Meeting Minutes**

SRC Members present: Gabrielle Broere, Wes Feist, Kathy Hampton, Chanda Hermanson, Kendra Joyce, Lacey Keller, Barb Lowney, Doug McElroy, Corinne Moore, Marcy Roberts, Tommy Roberts, Emma Rooney, and Joleen Weatherwax. *On Zoom: Celina Cline, Carlos Ramalho*

SILC Members present: Sean Conroe (in place of Scott Birkenbuel), Tami Hoar, Molly Kimmel, Mike Manhardt, Brent Morris, Gary Parkins, Jean Schroeder, Allyson Talaska, and Scott Williamson. *On Zoom: June Hermanson, Tom Thompson and Julie Williams*

SRC Members absent: John Gorton, Tom Manthey, and Brian Tocher

SILC Members absent: Emma Hixson, Joel Peden, and Savannah Smith

Staff and guests: Eva Belatski, Desiree Dean-Kaldor, Tal Goldin, Sarah Seltzer, Shawn Tulloch, Michelle Williamson, and two sign language interpreters. *On Zoom: Lacey Conzelman, Anna Gibbs, Darrel Hannum, Hannah Stokes, and CART transcriber.*

Ground rules/ Interpreter/CART

Welcome/Introduction

Joint Meeting Minutes -- April 20, 2022. The councils agreed to vote on this through email. (5-23-2023: Consensus shows majority approves the minutes.)

Mission statements

Announcements: Sarah Seltzer is the new Deputy Administrator for DETD

Public Comments (none given)

SILC Overview, Brent Morris

- Mission statement, logo
- SILC was added into the Rehabilitation Act in 1992. All states were required to develop State Independent Living Councils. SILC is an independent entity responsible to monitor, review and evaluate the implementation of the SPIL or state plan for independent living.
- Accomplishments: Wrote a grant to create Montana transportation partnership to address transportation barriers in the State.; Created Unbored Zoom for the youth; Olmstead (will discuss later); Partner in the behavioral health system; secure State General fund for CILs and help develop Independent Living Symposiums.
- SILC and Centers for Independent Living work together on a State Plan for Independent (SPIL) which is a 3-year document of independent living services. Montana made a move that equalized funding for all the Centers for Independent Living regardless the size of population.
- SILC – members are appointed by the Governor; Majority of the members must have a disability; Vacancies: one Tribal VR and two advocate positions

IL Overview, Tami Hoar

- Independent Living Services came out of Rehab Act of 1973 which is for consumer control, consumer driven, based on self-determination and self-help, self-advocacy.
- The Part C funding from this Rehab Act lists the five core services:
 - Information & Referral
 - Independent Living Skills Training
 - Peer Mentoring
 - Individual and Systems Advocacy
 - Transitions (youth)
- IL can provide other services in addition to the above required services
- Philosophy: Nothing about us without us. If there are decisions made that affect people's lives with disabilities, people with disabilities are at that table.
- History: Summit is the first CIL; Ability is the second then NCILS and LIFTT. There are different levels of fundings, but we all work together to get equal amount of funding. For example, Summit gets most of federal funding, little bit of Part B and little bit of general funding. LIFTT gets most of Part B and general fund and little bit of federal funding. At the end, all CILs get same amount.

SRC Overview, Marcy Roberts

- State Rehabilitation Council advises the Vocational Rehabilitation and Blind Services program to improve policies, programs, and delivery of services through a collaborative effort with other agencies. The main purpose is for SRC to work with VRBS.
- Membership of 22 seats – currently have a few openings and a few members with expired term this fall; majority must have a disability to serve on the Council.
- Council Manual has been updated and posted on [DPHHS website](#). The website also has all the information about SRC: how to become a member, member's role on the Council, general meeting topics. There are committees:
 - Planning & Review (write Governor's Report, etc.)
 - Education & Member (recruit new members, etc.)
 - Consumer Satisfaction & Needs Assessment (client satisfaction survey, etc.)
 - Policy, Procedure, & Personnel Development (updating policies/procedures to be more consumer-friendly)

VRBS Overview, Chanda Hermanson

- VRBS Vision, Mission, and Core Values
- Operations and Program Support; Anna Gibbs
- General VRBS; Brook Hodge
- Blind and Low vision Services; Darrel Hannum
- Pre-ETS; Tammy Hogan
- Nine offices across the State: Billings, Bozeman, Butte, Great Falls, Havre, Helena, Kalispell, Miles City, and Missoula.
- Staff: vocational rehabilitation counselors, rehabilitation technicians, administrative support staff, VRCs serving the blind/low vision, orientation and mobility specialists, vision rehabilitation therapists – working to provide services to those who need it.
- Workforce Innovation and Opportunity Act (WIOA) – VRBS partner with Department of Labor and Industry.

- Six common performance measures:
 - Employment Rate 2nd Quarter After Exit,
 - Employment Rate 4th Quarter After Exit,
 - Median Earnings,
 - Credential Attainment, and
 - Measurable Skill Gains (MSG)
 - Effectiveness in Serving Employers
- Services we provide:
 - Pre-Employment Transition Services: for youth age 14-21yo; home schooled or in school; five required services (job exploration counseling, work-based learning experiences, counseling on post-secondary program, workplace readiness training, instruction in self-advocacy)
 - Vocational Rehabilitation services: registered apprenticeship training, literacy training, job search, job training, etc.
 - Supported employment
 - Benefits counseling
 - Customized Employment
 - Transportation

Hot Topic Discussion:

- Awareness, Brent Morris and Lacey Keller
 - Lack of awareness of Independent Living Services and Vocational rehabilitation services; how can we keep the information out there?
 - Challenge is that Montana is a large state/rural state and people don't know how or where to get information
 - Dial 211 to get community services – is VR on it?
 - Wall of businesses, resources, services; perhaps library can have these resources since every town in Montana has a library.
 - Collaboration between two different providers can pass on resources
 - Disability Rights Montana collects resources and share them; if you have anything new, pass it to Kathy Hampton.
 - Disability Awareness
- Olmstead, June Hermanson
 - Olmstead is a Supreme Court decision from 1999 that said people with disabilities need to be fully integrated. The two women with developmental disabilities diagnosis advanced their lawsuit to the Supreme Court. They wanted to choose where to live and they were successful in that decision. Out of that decision each state was supposed to write an Olmstead plan. In Montana, there are two divisions in DPHHS: Senior Long Care and Developmental Disabilities. Even with the written plan, it is not being implemented. What we have been seeing on the federal level is several states have moved forward in writing a unified Olmstead plan. Some of the other states we've seen are writing plans like Montana did early on, with no outcome measures, no real goals, but they will fulfill somebody's requirement for an updated Olmstead plan. SILC brought up concerns with the Governor who supported the Olmstead and suggested to reach out the Director of DPHHS. He then suggested that to take the legal avenue and go for legislation. SILC met with Representative Bob Keenan of Big Fork and he

sponsored the House Bill 922 which says DPHHS is required to develop and implement an Olmstead plan (including services from all departments within state government). The Governor has not signed it but SILC will move forward with a committee that will meet remotely every other week on Monday at 11AM.

- Subminimum wage, Marcy Roberts
 - Programs with 14 (c) certificate; the fair standards labor act of 1978 allowed employers to pay less than minimum wage to people with disabilities who had impairments in productivity. Since WIOA, they would like to increase the access to opportunities for employment, education, training and support service needs. Montana currently has six 14(c) certificates with five pending. The ones that are currently issued expire at the end of this year (2023). Last year, during Joint meeting, we had Cheryl Harris Bates to present to us about Section 511 and what was happening across USA. Because of the need for workers and the changes since 2016, there is opportunities for people with disabilities in competitive integrated employment. Pre-ETS has another set of rules prior to entering a subminimum wage job. After the presentation from Cheryl, we talked about creating a subcommittee and having SILC and SRC members participate in that subcommittee. Emma and I are the only two that have communicated briefly about this over the past year. It is an example of, we had this conversation, we had this presentation but when we left we didn't really have a plan. Where do we go from here? We are looking at the big picture, either phasing out, eliminating, or just having a conversation about subminimum wage. One challenge for CILs is going out there and share the information about the workers' right to have informed choice and the choice to make better wages and to have competitive employment. Several places are not allowing the information being shared. Vermont does not have shelter. There are 14 states that eliminate subminimum wage. This topic will be covered in the Montana's Olmstead plan. Discussion on getting representatives from Vermont to share their experiences.
- Pre-ETS, Tammy Hogan
 - WIOA of 2014 requires Voc Rehab to use 14 percent of their Federal Reserve of the funding for students with disabilities. This gives students an introduction to work by providing activities at job exploration and to assist with transitioning from school to postsecondary education or employment.
 - Five required services are: Job Exploration Counseling, Work Based Learning Experiences, Counseling on Post-Secondary Programs, Workplace Readiness Training, and Instruction in Self Advocacy. Criteria to be eligible for Pre-ETS are students with a disability, ages 14-21, in high school, college, or a qualified education program. The students need to complete the Student Request Form.
 - The services are delivered in different formats: Pre-ETS Specialists providing the services, services purchased from a Pre-ETS provider, through school contracts, or through specialized programs.
 - Pre-ETS Specialists track their time so it can be counted toward the 15% reserve; all five services are provided by the Pre-ETS Specialists; and all Montana schools have a Pre-ETS Specialist who works with them.

- Eight Pre-ETS specialists have specific areas to cover the students in Montana.
- Examples of services: MT Youth Transitions, MT Youth Leadership Forum, Movin'On MSU-Billings Campus Experience, START Base Pre-ETS STEM camps, and Bloom Consulting On the right Track Pre-ETS camps.
- Tammy read the 2022 Pre-ETS Case of the Year.

Informed Decision Making and Guardianship Alternatives Presentation, Tal Goldin of Disability Rights Montana

- We can take decisive action to ensure that people with disabilities have a robust and meaningful right of self-determination. Today we will cover on what is the problem and why the use of guardianships are appropriate for those with disabilities. When people are placed in guardianships, there are restrictions of a person's rights and decision making.
- History:
 - Senator Bobby Kennedy expressed concerned about people with disabilities living in institutional settings in New York. Geraldo Rivera, investigative reporter, and a doctor (who was let go) went in Willowbrook; Geraldo filmed the conditions (people with disabilities without clothes and eating slop)
 - Rehabilitation Act of 1973 – no discrimination based on disability
 - Judy Heuman, disability advocate, contracted polio as a child and went to school. She applied to work as a teacher but was denied the job. She sued and won.
 - after the Holocaust, when the UN came together and sat down to draft a treaty on what are the fundamental rights of human beings, the first thing they said is: Human dignity (this led to Informed Choice)
- Guardianship is a court order whereby the guardian assumes power to make decisions about the ward's person or property
 - The right to choose where to live and whom to associate -- has a very broad meaning in the U.S. Constitution.
 - Montana's Guardianship Act – rather old.
 - How guardianship works: when the person is incapacitated, the judicial system intervenes on the person's freedom.
 - Read the court order of what it says about what rights are restricted and what rights are preserved.
- Problems:
 - Guardianships are often sought by parents and uncontested, and
 - courts are busy. People are rarely there to contest the guardianship.
 - Details of guardianship are not scrutinized.
 - it's an unnecessary restriction of a fundamental right.
 - the person under guardianship outlives the guardian and sometimes that results in a total stranger being appointed as a guardian for a person with a disability
 - Schools encouraged guardianship.
 - Guardianship hinders a person to live independently, etc.
- It is highly recommended to get a team to decide what is best for the child/person with disability before considering guardianship.

- The least restrictive alternatives guardianship is the practice of supported decision making, and it's rooted in the belief that all people have the right to make choices and decisions about their own lives.
 - Planning document (MontGuides); annual report

VRBS General Report, Celina Cline

- Brook Hodge is out, so Celina will give update.
- 3,322 VR cases:
 - Billings: 514 (in need of counselor supervisor)
 - Bozeman: 289
 - Butte: 190 (in need of counselor supervisor)
 - Great Falls: 397 (in need of support staff and VRC)
 - Havre: 182
 - Helena: 221 (just hired a supervisor counselor)
 - Kalispell: 183
 - Miles City: 130 (in need of support staff)
 - Missoula: 863 (fully staffed)
- Had an All-Staff meeting in West Yellowstone a few weeks ago. The main topic is the benefits planning. Foundation training for new staff is coming up next week. Each VRBS office have their own monthly meetings as well as the Support Staff have their monthly meetings. Madison doesn't seem to be as a struggle anymore, so people kind of wrapped their minds around that.
- Lacey has been helpful with providing training on CRP. She connected with Wendy Strobel Gower of Yang and tin Institute on Employment and Disability (Cornell University). She and another staff, Jeffrey Tamburo came out to Billings to give a 2-day training to providers; then they went to Missoula to give the same training. The training covers the basics of providing job assistance, job development services and job coaching. Positive feedbacks on the training from CRPs.

Legislative and Organization Updates:

- SILC, June Hermanson & Sean Conroe
 - Worked on FTE positions, provider rates, and all other legislation that affected people with disabilities
 - Thought it would be easier to get the eight FTEs but despite the report of no waiting list, only 4 positions are funded.
 - Providers' rates – 4% increase
 - Opportunity act for students with special needs (public dollars set aside for accommodation)
 - Facility for autism
 - Behavioral health initiative
 - Appropriation for Older Blind
 - HB 29 from keeping people with dementia related autism to go to the hospital
 - Medicaid bills: HB747, HB736, HB641
- SRC, Chanda Hermanson
 - MTAP – a bill to leave out committee (result would be get another staff and more access to fund) – did not happen
 - Vending machines on federal and state properties
 - Older Blind program runs \$250,000 and got another \$100,000

- Guidehouse Study
 - HB2 – funding for the division
- Funding for Staff, Chanda Hermanson
 - Have the funding but not enough staff

What's Next, Wrap Up, and Final Thoughts

- Lacey Keller: been on the Council one year and learned a great deal from the All-Staff meeting. Hope that the Council will have better understanding before the next legislature session.
 - Outreach effort – resource information and get them out there.
 - Olmstead – any volunteers?