**Virginia Board for with Disabilities**

**Board Meeting Minutes**

***June 12, 2019***

The Virginia Board for People with Disabilities held its regular quarterly meeting on Wednesday, June 12, 2019, at the Four Points by Sheraton Hotel, 4700 South Laburnum Avenue, Richmond, Virginia.

**BOARD MEMBERS PRESENT:** Ann Bevan, Randy Burak, Phil Caldwell, Theresa Casselman, Allison Coles-Johnson, Donna Gilles, Samantha Hollins, Jocelyn Kilgore, Sarah Kranz-Ciment, Richard Kriner, Donna Lockwood, Eric Mann, Mary McAdam, Dawn Missory, Alexis Nichols, Kate Olson, Deanna Parker, Ethel Parris Gainer, Eric Raff, Caroline Raker, Cindy Rudy, Summer Sage, Alexus Smith, Jamie Snead, Frederique Vincent, Travis Webb.

**BOARD MEMBERS ABSENT:** Alexandra Dixon, Dennis Findley, Felicia Hamilton, Ray Hopkins, John Kelly, Rachel Loughlin, Chris Nace, Matthew Shapiro, Maya Simmons, dLCV representative.

**CALL TO ORDER, WELCOME AND INTRODUCTIONS:** Board Chair, Ms. Mary McAdam, called the June 12, 2019, Board meeting to order at 12:36 p.m. The Chair welcomed Board members and noted that Samantha Hollins had joined the Board as VDOE’s new Assistant Superintendent of Special Education and Student Services. The Chair then reviewed the housekeeping notes and noted to the Board that handouts are on the outside table.

**LUNCHEON PRESENTATIONS:** Ms. Nia Harrison, Director of Planning, Research, and Evaluation, presented highlights of the third year evaluation of the Alumni Development Program, including recommendations for changes in Year 4. Ms. Harrison and Dr. Penni Sweetenburg-Lee, Director of Training and Alumni Development Programs, responded to questions from Board members.

**APPROVAL OF MARCH 13, 2019 MINUTES:** The Chair asked if there were any changes to the March 13, 2019, Board Meeting minutes. Ms. Alexis Nichols noted that she was listed as Alexus Smith and not Nichols on the Nominating Committee information. The Chair called for a **MOTION** to **APPROVE** with changes.Ms.Cindy Rudymade a **MOTION** to **APPROVE** the minutes, andMs. Summer Sageseconded. Ms. Samantha Hollins abstained. The **MOTION** carried unanimously.

**PUBLIC COMMENT:**  There was no public comment.

**REPORT OF THE NOMINATIONS COMMITTEE AND VOTE ON SLATE OF OFFICERS.** Ms. Alexis Nichols, Chair of the Nominations Committee presented the slate of officers and at large members as follows: Chair: Ethel Parris Gainer, Vice Chair: Matthew Shapiro, Secretary: Frederique Vincent; At Large Members: Alexandra Dixon, Dennis Findley, and Kate Olson. Board Chair, Mary McAdam, asked if there were any nominations from the floor. There were none. Ms. McAdam called for a vote on the Slate of Officers and At Large members as emanating from the Nominations Committee. The slate was unanimously approved. Ms. McAdam congratulated the new Executive Committee. Ms. Heidi Lawyer, Executive Director, noted that the new members would be contacted about an orientation and meeting that would likely be held in late July. She also noted that the new Chair, Ms. Parris Gainer, would select Standing Committee Chairs prior to that meeting as the Standing Committee Chairs are part of the Executive Committee.

 **SFY 2020 BOARD BUDGET.** Mr. John Cimino, Deputy Director, gave a PowerPoint presentation on the proposed SFY 2020 Board Operational Budget which was recommended for approval by the Executive Committee. He also reviewed information regarding changes in the federal interpretation of obligation and liquidation requirements, following the presentation, the Chair called for a vote on the Executive Committee’s **MOTION** to recommend full approval of the SFY 2020 Budget dependent on Department of Planning and Budget approval of a technical adjustment in the Board’s spending authorization level. The **MOTION** passed unanimously.

**PRESENTATION ON CRITICAL DECISION-MAKING POINTS GRANT.** Ms. Traci Lee from the Department of Education presented to the Board on their recently completed grant and responded to questions from Board members.

**STANDING COMMITTEE REPORTS**

**EXECUTIVE COMMITTEE MEETING:**  The Chair asked if there were any questions regarding the activities of the report of the Executive Committee. There were none. The Chair reported that the Executive Committee had approved a **MOTION** for an Executive Committee meeting to be held during the summer in conjunction with an Executive Committee orientation session. The new Executive Committee will review the findings related to the survey conducted Board staff regarding the Board committee structure and core responsibilities of each committee. The Executive Committee will present recommendations for changes at the September 11 Board meeting.

**REPORT OF THE GRANT REVIEW TEAM.** Jamie Snead, Chair of the Grant Review Team (GRT) deferred to Mr. Jason Withers, Grants, Contracts and Program Information Manager, to provide a report on the grants recommended for funding based on review of the team. The GRT made the following funding recommendations: 1) Community Knights’ project *Creating Opportunities to Advance Capable hands (COACH) Program* in the amount of $159,360; 2) Virginia Commonwealth University’s project *Ensuring Accessibility to All Survivors* in the amount of $89,252; 3) The Arc of Northern Virginia’s project *My Choice Virginia: Supported Decision-Making for People with Developmental Disabilities* in the amount of $130,000; 4) The Up Center’s project *SAFARI (Sharing Answers & Forging Affirmative Relationships Inventively* in the amount of $20,055; and 5) The Arc of Virginia’s project *A Life Like Yours Alliance – Strengthening Self-Advocacy in Virginia* in the amount of $50,000. The Board Chair called for a vote on approval of the five recommended proposals. The **MOTION** was approved with recusals from Ms. Donna Gilles, Ms. Mary McAdam, and Mr. Eric Raff in connection with the proposal from Virginia Commonwealth University and a recusal from Ms. Kate Olsen in connection with the proposal from The Arc of Virginia.

**REPORT OF THE ADVOCACY, OUTREACH, AND TRAINING COMMITTEE:** Ms. Alexis Nichols, the acting Committee Chair, made the following report.

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**CALL TO ORDER:** Ms. Alexis Nichols, the Vice-Chair, called the meeting to order at 9:16 am and informed the committee she would be directing in the absence of the Chair, Mr. Matthew Shapiro.

The Chair called for a **MOTION** to approve the minutes from the March committee meeting. Ms. Jocelyn Kilgore made a **MOTION** to approve. Ms. Caroline Raker **SECONDED** the **MOTION**. The **MOTION** carried unanimously.

**EXECUTIVE COMMITTEE UPDATE**

The Chair gave an overview of the Executive Director’s report and other issues discussed at the Executive Committee meeting, including special initiatives/legislative and policy work, committee involvement, Board member attendance, grant reviews, training and alumni, Board administration, and programs. Mr. Benjamin Jarvela, Communications Director, highlighted the importance of potential changes to committee structures and responsibilities that will be discussed and decided at the summer Executive Committee orientation meeting (date to be determined).

**Annual Evaluation Results for Alumni Development Program (ADP):**

Ms. Nia Harrison, Director of Planning, Research, and Evaluation, explained that the intent of the program was the engage the alumni of the Board’s training programs and join everyone together to participate in grassroots advocacy efforts. Ms. Harrison discussed the results of the alumni survey that was conducted after the third year of the program and made note that the percentage of alumni who responded to the annual survey, was overall consistent, however, based on federal performance measures the Board only met three of the five requirements for self-advocates and two of the six requirements for family members at this point. She noted however that it was still possible to meet the five-year targets.

Ms. Harrison then discussed program expenditures. Ms. Sarah Kranz-Ciment asked how many total participants were being targeted annually. Ms. Harrison explained that roughly 60 alumni participants were being targeted each year per the state plan requirements. Ms. Kranz-Ciment noted that the budget was approximately $1,000 per individual and asked if the budget would be increasing in the hopes of increasing the number of program participants. Ms. Lawyer explained that the upcoming strategic planning retreat would inform the program’s movement forward including how to address specific challenges regarding participation and retention and gauge alumni interest in continuing the program as is or in a different form. She noted that with the consensus of the Committee, Board staff would plan to carry forward the ideas discussed and make an assessment at the end of year 4 regarding the program’s future. She noted that this year’s budget was unpredictable because of the changes.

Ms. Harrison discussed the noted program successes that came as a result direct feedback from alumni and chapter co-chairs, including the greater focus on advocacy activities and the participation levels increased with the shift in focus. She stated that participants agreed that the shift focus to activities helped foster better social connections amongst the chapter members. Dr. Sweetenburg-Lee noted that the Board was also implementing a change to this year’s PIP curriculum to include a skill-building sessions and that PIP will ensure that ADP is infused throughout the PIP program vs. at the end.

**Training Programs Update**

Dr. Sweetenburg-Lee commented that the preparations for the 2019-2020 Partners in Policymaking program are underway and highlighted several the upcoming Training Program events and encouraged Committee members to attend, including the PIP Capitol Day at November 2, 2019, at 10 a.m. at the Patrick Henry Building and the PIP Graduation ceremony, will be held at the Holiday Inn in Norfolk on April 4, 2020, at 10 a.m. Dr. Sweetenburg-Lee discussed the upcoming ADP Strategic Planning Retreat on August 2 and 3, 2019 to discuss the development of the program on a whole. Board members who are Training Program alumni are encouraged to attend and contribute.

**Event Support Applications:**

Mr. Jarvela explained the first of the two Event Support Applications received. The first event was from Centra and ID/DD Community Collaborative of Lynchburg, Virginia for a Person-Centered Thinking Training on July 17 and 18, 2019. Mr. Mann recommended including, assuming approval of the application, having at least one to two Board members attend the event and report back to the committee in September. Mr. Mann made a **MOTION** to support the application at the full request of $1,800. Ms. Kilgore **SECONDED** the **MOTION**. The Chair called for a vote and the **MOTION** carried with recusal from Ms. Jamie Snead.

Mr. Jarvela explained the second event application from the Virginia Advocates United Leading Together (VAULT) for the 2nd Annual ADA Pride Day in RVA, Sat August 3rd 11-3, rain date August 10th for $1,500. Mr. Jarvela commented that the Board has funded this event in the past and detailed previous funding instances. Ms. Lawyer recommended that if the Committee chose to fund, they only fund the allowable expenses (i.e., no food/drink or entertainment). Ms. Raker made a **MOTION** to fund at $750 based on Board staff approval of the proposed event budget in the application. Ms. Ethel Parris Gainer **SECONDED** the **MOTION**. Following discussion, the Chair called for a vote. The **MOTION** carried unanimously.

**Event Support Application Changes:**

Mr. Jarvela opened the discussion of changes to the Event Support procedures and application. In response to the Committee’s specific recommendations in the March meeting, Board staff revised both documents. Changes include: an updated listing, within the *Procedures for Requesting Event Support* document, of the types of events that do not assist the Board with fulfilling its mission as Virginia’s DD Council, and an update to the *Application for Event Support* document which now includes a section for the applicant to complete regarding the involvement of people with developmental and other disabilities in the planning and implementation of the event and a section requiring that the applicant demonstrate adherence to cultural diversity principles

**Virginia Department Of Elections Post-Event Report:**

Mr. Jarvela gave a report on the Virginia Department of Elections (VDOE) Voter Accessibility Event. There was significant media coverage to help highlight the event. VDOE estimated roughly 500 people came through the event and roughly 60% of the participants were self-advocates. Mr. Jarvela highlighted that several voting machine vendors were there providing individual demonstrations.

**Communications Update:**

Mr. Jarvela provided an update on the Communications department activities including: social media analytics, the 2018 PPR annual report was released, the 2019 Assessments have gone to print and that the Board members will receive copies of each in the mail in July.

**ADJOURNMENT:**

The Chair called for any other business. Hearing none, the Chair adjourned the meeting at 11:31 a.m.

[For the full details, see the AOT Committee meeting minutes for June 12, 2019.](https://www.vaboard.org/boardmeetings.htm)

**REPORT OF THE POLICY & RESEARCH AND EVALUATION COMMITTEE:** Acting Committee Chair, Summer Sage, reported the following:

**BOARD POLICY UPDATE:** Mr. Cimino provided an update of recent public policy activities, highlighting the number of public comments that the Board has made and the number that have resulted in recommendations being implemented.

**PROJECT LIVING WELL:** Linh Nguyen, Board staff, provided an overview of the Board’s work on the development of a state scorecard. There was good discussion about the sustainability of the project, and its impact on staff time going forward.

**GUEST SPEAKER:** Beth O’Connor from the Virginia Rural Health Association spoke to the Committee about Rural Healthcare challenges. This framed the discussion afterwards about the remaining assessment topics: Healthcare and Medicaid.

**HEALTHCARE AND MEDICAID ASSESSMENTS:** There was a good discussion about narrowing the topics to be covered in the Healthcare and Medicaid assessments, because of the breadth of those topics. Major topics discussed include access to healthcare, health equity, and health insurance literacy.

**ADJOURNMENT:** The Acting Chair adjourned the meeting at 9:15am

[For the full details, see the PRE Committee meeting minutes for June 12, 2019.](https://www.vaboard.org/boardmeetings.htm)

**REPORT OF THE INVESTMENT & STATE PLAN OVERSIGHT COMMITTEE:** Committee Chair, Theresa Casselman, reported the following:

**REVIEW OF EXECUTIVE COMMITTEE MEETING:** Ms. Casselman provided an update on the Executive Committee meeting.

**PRESENTATION ON DISABILITY RESOURCES GUIDE TRANSLATIONS:** Mr. Tom Moran, and Mrs. Danette Gibbs gave an overview of the *Improving Health and Wellness through Empowerment* grant project and discussed project accomplishments.

**GRANT EXPENDITURE UPDATE:** Mr. Jason Withers discussed grants and contract expenditures for five projects: 1) The Improving Health and Wellness through Empowerment project with James Madison University (JUM); 2) The Communication & Health Advocacy Training project with Virginia Commonwealth University (VCU); 3) The Next Move project with William & Mary; 4) The Promoting Integrated Employment with ABLES Teams project with Virginia Commonwealth University; and 5) The Building Inclusive School Communities through Culture Shift, Collaboration, and Coaching project with Radford University. These projects and expenditures were referenced in Attachment ISP 4-2.

**APPROVAL OF WILLIAM & MARY REVISED SCOPE OF WORK:**

Ms. Casselman discussed the William & Mary (W&M) Scope of Work request with committee members. The W&M scope of work revision was referenced in Attachment BD 4. The Board Chair called for a vote on approval of the W&M revised Scope of Work. The **MOTION** carried unanimously.

**APPROVAL OF JAMES MADISON UNIVERSITY REQUEST TO SUBMIT CONTINUATION PROPOSAL:**

Ms. Casselman discussed JMU’s request to submit a continuation proposal. The grantee’s proposal would expand existing project activities, as well as create new activities. The funding request was estimated to be $200,000 for a period of 24 months. The JMU continuation proposal request was referenced in Attachment BD 5. The Board Chair called for a vote on approval to invite JMU to submit a continuation proposal. The **MOTION** carried unanimously.

**APPROVAL OF VIRGINIA COMMONWEALTH UNIVERSITY NO-COST EXTENSION:**

Ms. Casselman discussed the no-cost extension request received from Virginia Commonwealth University (VCU) regarding the Communication and Health Advocacy Training (CHAT) grant. If approved the request would extend the project 12-months from September 30, 2019 to September 30, 2020. VCU’s no-cost extension request was referenced in Attachment BD 6. The Board Chair called for a vote to approve the VCU No-Cost Extension request. The **MOTION** carried unanimously.

**APPROVAL TO PRINT VIRGINIA DEPARTMENT OF EDUCATION CRITICAL DECISION POINTS GUIDES:**

Ms. Casselman discussed the Board staff’s request for Virginia Correctional Enterprises (VCE) to print the VDOE Critical Decision Points guides. The total cost to print the needed guides is $38,850. The approval request to print the VDOE guides was referenced in Attachment BD 9. The Board Chair called for a vote to approve the request to print the VDOE guides. The **MOTION** was approved with one recusal from Ms. Samantha Hollins.

**APPROVAL FOR THE DEPARTMENT OF MEDICAL ASSISTANCE SERVICES TO SUBMIT PROPOSAL:**

Ms. Casselman discussed the Virginia Department of Medical Assistance Services’ (DMAS) concept paper and request to submit a full proposal application to the Board, for consideration. The DMAS concept paper and request letter were referenced in Attachment BD 10. The Board Chair called for a vote to approve the request for DMAS to submit a full proposal application to the Board. The **MOTION** was approved with recusals from Ms. Teri Morgan and Ms. Deanna Parker.

**APPROVAL to RELEASE FFY 2020 COMPETITIVE REQUEST FOR PROPOSAL (RFP):**

Ms. Casselman summarized the *Creating Inclusive Communities* RFP to be released in June 2019, referencing the Supplemental Packet. The Board Chair called for a **MOTION** to approve release of the RFP. The **MOTION** carried unanimously.

**REQUEST FOR GRANT REVIEW TEAM VOLUNTEERS:**

Mr. Casselman discussed the need for volunteers for the upcoming Grant Review Team (GRT) meetings on August 15-16, 2019 and November 14, 2019, to review the full proposals from JMU and DMAS, as well as any received Letters of Interest in response to the FFY 2020 RFP. Ms. Casselman, Ms. Lockwood, Mr. Kriner, Ms. Mary McAdam and Mr. Phil Caldwell expressed interest in serving on the GRT, provided their schedules allow.

 **2017-2021 STATE PLAN PROGRESS REPORT:** Ms. Nia Harrison discussed the Board’s performance in the second quarter of the FFY 2019 work plan, referencing attachment ISP 5.

**ADJOURNMENT:** The Chair adjourned the meeting at 11:26 AM.

[For the full details, see the ISP Committee meeting minutes for June 12, 2019.](https://www.vaboard.org/boardmeetings.htm)

**AGENCY REPORTS:**

Agenda representatives who were present provided oral reports. Ms. Lawyer reminded the Board members that they were provided written reports by email from most of the agencies. Those are incorporated into the minutes below as submitted by the agencies. Ms. Lawyer briefly discussed the new executive meeting responsibilities and the changes of the committee’s name.

**Department for Aging and Rehabilitative Services,** Richard Kriner, Agency Designee.

**Customized Employment Projects and Services**

CE development has been an interagency effort DARS, DBHDS, DOE and DBVI. Partners are working together through our CE development Advisory Group. DARS has taken lead role in facilitating this collaboration and with project coordination.

In 2018 DARS and DBHDS braided funding and resources on a statewide cross-agency competency-based CE development project to include

* Developing policy and funding mechanisms to launch and sustain statewide Customized Employment Services (CES). Outcomes to date include
	+ Developing formal CE policy, milestones model, and rate structure informed by what has proven effective in other states. New CE Policy, Guidance, Tools and Milestones framework published April 2019
* Training, technical assistance and mentorship , for 128 provider/ agency reps resulting include:
	+ Total earning Community Employment ACRE Certificate - 118
	+ New CE vendors-30 employment specialist approved DARS CE providers, representation from 11 different ESOs across 3 VA DARS districts

*DARS Customized Employment Services -Quick Facts*

* CE implemented as a comprehensive service
* Discovery will not be a standalone component
* Discovery is not an assessment activity
* Policy and milestones model will include all essential elements of CE
* Each phase of CES has associated activities and deliverables ( ex. Discovery Staging Record, CE Job Development Plan, Visual Resume, Customized Job Proposal, CE Job/Task Analysis Form and Systematic Instruction Plan, etc..)
* CE will allow for the use of other wrap-around paid and unpaid supports such as
* WISA Services
* Therapeutic Behavior Supports & Community Support Services
* Employment Supports for paid and unpaid work experiences
* Assistive Technology Evaluation, equipment and supports
* VRCs will receive basic training in CE along with TA from Central Office staff to ensure they are knowledgeable and equipped to manage and monitor the provision of quality CE service
* A second round of CE transformation training and technical assistance projects coming summer 2019

**Pre-Employment Transition Services updates (Pre-ETS)**

Continuing to expand partnerships with vendors. We now have 20 Pre-ETS providers /vendors across the state partnering with DARS to expand and enhance critical pre-employment services for students with disabilities.  There is an emphasis on work-based learning activities this summer and many students are being linked with providers to participate in summer activities.  There some exciting new projects in the works to such as a peer mentoring pilot in partnership with DBVI and through guidance and support provided by WINTAC.  As well as other initiatives focused on better-supporting students with more significant challenges.

[Our ESO Interactive Directory has Pre-ETS services listed on each approved Pre-ETS vendors cost and rate sheet.](https://vadars.org/essp/apps/esovendors/)

# **Project SEARCH offers hands-on training to students with disabilities during senior year**

Nearly 190 high school students in Virginia with intellectual and developmental disabilities participated in a national career program during the 2017-2018 school year to gain skills and work experience through internships in health care or business. The program, funded by the Virginia Department for Aging and Rehabilitative Services, began in Virginia in 2008 and is coordinated by DARS, the Virginia Department of Education, and several local hospitals and public school systems.

Data collected across all 20 sites (2012-2018) in study conducted by Barbara Burkett.

* 1100+ students have participated in Project SEARCH since its inception in 2008
* Demographic information – Primary cause of impairment 26.8% Autism, 42.6% Intellectual Disabilities, 60% male/40% female, average age at application 17.7 years old, 53% non-white, 35% from Hampton Roads, 21% from Capitol District, 17.1% from Northern, 18% from New River, 8.3% from Southwest.
* Median wages - $8.75 (Range $8.00 in 2014 to $10.00 in 2018)
* Median earnings at Project Search sites ranged from $8.74 in 2013 to $11.00 in 2018.
* Median hourly earnings at non-Project Search sites ranged from $7.58 in 2014 to $9.00 in 2017.
* Average of 28.53 hours per week (Project Search sites) and 22.93 hours per week (non-Project Search Sites).
* DARS has an 82% overall rehabilitation rate for PS students.
* 83% were NOT employed at PS site (meaning more community employer connections needed!)
* IPE Jobs at Closure: Healthcare support occupations (12.6%), Food Preparation and Serving Related Occupations (23.1%), Buildings and Grounds Cleaning and Maintenance Occupations (17.8%)\*, Personal Care and Service Occupations (10.5%), Office and Administrative Support Occupations (20.5%), Production Occupations (6.3%), Transportation and Material Moving Occupations (4.6%)

# **Other News and Notes**

Jonathan May joins DARS as Financial Empowerment Project Manager. He will oversee a 5-year study to evaluate how opening ABLEnow accounts combined with financial education positively impacts the lives of those with cognitive disabilities, ideally through increased employment, independence and community participation

Gov. Northam visited Wilson Workforce and Rehabilitation Center in May 2019 to recognize businesses that have helped shape its curriculum, such as Hershey and CVS Health. He observed vocational training programs including manufacturing technology, materials handling, computer repair and forklift.

# For more agency-related information and content go to http://www.facebook.com/vadars

**Department for the Blind and Vision Impaired,** Ray Hopkins, Commissioner

**Federal Updates**

We previously reported that Mark Schultz, former director of the Nebraska general vocational rehabilitation agency, was re-nominated for the position of Commissioner of the Rehabilitation Services Administration within the U.S. Department of Education. His original nomination was announced in March of 2018. Many organizations and individuals led by the Council of State Administrators of Vocational Rehabilitation (CSAVR) have initiated efforts to encourage the Senate to immediately consider Mr. Schultz’s nomination. To our knowledge, no one is opposed to this nomination. Apparently, it has been held up as part of the backlog of regular business awaiting Congressional action. Many in the field believe that the RSA could benefit from Mr. Schultz’s experience as a leader in vocational rehabilitation and standing as a Presidential appointee in addressing outstanding issues.

On May 8, the House Appropriations Committee approved its [fiscal year (FY) 2020 Labor, Health and Human Services, Education, and Related Agencies bill.](https://appropriations.house.gov/news/press-releases/appropriations-committee-approves-fiscal-year-2020-labor-hhs-education-funding.)

The House bill provides $189.9 billion in funding, a 7% increase over FY 2019.

Increases include the Individuals with Disabilities Education Act (IDEA) Part B State Grants (8.1%), Lifespan Respite Care Program (33.8%), State Grants to Remove Barriers to Voting (28.7%), and Rehabilitation Services Administration Demonstration and Training Programs (26.5%). While the House bill is encouraging, the Senate Appropriations Committee has declined to move forward with spending bills until a deal is reached to increase the spending caps for discretionary programs.  Absent a deal, the spending cap for all non-defense discretionary programs would be reduced by 9% for FY 2020.

We have been tracking the Department of Education’s announced plans to open the definitions section of the Workforce Innovation and Opportunity Act (WIOA) regulations. On May 22, the spring "unified agenda" -- the list of federal agency rulemaking – was released. The WIOA regulation is still on the list, but the expected date for an NPRM has been moved to December 2019. Rulemaking on this matter was originally announced to begin in January of this year.

On May 21, the House Education and Labor Committee held a full committee hearing on the Transformation to Competitive Employment Act (H.R. 873) on Tuesday, May 21st. Chairman Bobby Scott (D-VA) is the bill champion along with Representative Cathy McMorris-Rogers (R-WA). The Transformation to Competitive Employment Act would phase out Section 14(c) subminimum wage certificates over a six-year period while providing the funding, support and training necessary to assist community rehabilitation programs to transition to integrated employment. The “capacity-building” component of the bill distinguishes it from other bills that have sought to phase out Section 14(c) of the Fair Labor Standards Act. The bill aligns with the Workforce Innovation and Opportunity Act (WIOA), which prioritizes competitive integrated employment for people with disabilities and significantly limits the use of subminimum wages, and with the recommendations of the WIOA Advisory Committee, which recommended a thoughtful phase-out of 14(c) together with a systematic approach to expand capacity for competitive integrated employment, particularly for people transitioning out of sheltered workshops. This coincides with the U.S. Department of Labor's Office of Disability Employment Policy (ODEP), through its ePolicyWorks initiative, hosting a [national online dialogue](https://links.govdelivery.com/track?type=click&enid=ZWFzPTEmbWFpbGluZ2lkPTIwMTkwNTI4LjYzNTg3NDEmbWVzc2FnZWlkPU1EQi1QUkQtQlVMLTIwMTkwNTI4LjYzNTg3NDEmZGF0YWJhc2VpZD0xMDAxJnNlcmlhbD0xNzYxNTU0NSZlbWFpbGlkPXJheS5ob3BraW5zQGRidmkudmlyZ2luaWEuZ292JnVzZXJpZD1yYXkuaG9wa2luc0BkYnZpLnZpcmdpbmlhLmdvdiZmbD0mZXh0cmE9TXVsdGl2YXJpYXRlSWQ9JiYm&&&102&&&https://14cdialogue.ideascale.com/) to gather perspectives on Section 14(c) of the Fair Labor Standards Act.

**State and Agency Updates**

**Order of Selection for Services Status:**

As of May 28, 2019, 211 individuals have been determined eligible for VR and are awaiting services. Currently the DBVI Vocational Rehabilitation program is serving eligible individuals whose applications were received on or before June 30, 2018. The current wait list was initiated on October 1, 2017.

DBVI followed and reported on House Bill 2296 throughout the 2019 session of the General Assembly. On May 3, Governor Northam vetoed the legislation and his related statement follows.

*Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto House Bill 2296. This legislation changes the Virginians with Disabilities Act (VDA) by requiring a claimant to notify financial entities including banks, trusts, savings institutions, and credit unions, at least 120 days prior to commencement of a lawsuit regarding web accessibility.*

*This legislation recognizes that as more banking services move online, it is essential that websites are accessible for all Virginians, especially individuals with disabilities. The legislation takes a positive step in ensuring accessibility by establishing web content accessibility guidelines. However, the legislation also creates arbitrary delays in the administration of justice for individuals with disabilities. It creates onerous preconditions for the initiation of a lawsuit and shifts the burden of identifying VDA violations from covered entities to people with disabilities. Additionally, the bill will make it more difficult for people with disabilities to obtain legal representation to aid them in protecting their rights under the VDA. Finally, House Bill 2296 does not address the issue that it seeks to remedy. While the bill makes changes to the VDA, it does not and cannot override the federal Americans with Disabilities Act. With this in mind, I encourage stakeholders to work together to find a solution.*

Accordingly, I veto this bill.

The Department for the Blind and Vision Impaired has received authorization to proceed with renovation of its administrative headquarters building at 397 Azalea Avenue in Henrico County. With this official authorization, the renovation project is proceeding as planned and the solicitation for a contractor should be released very soon. In May, renovation of the original farmhouse on the Department’s Azalea Avenue complex commenced, and is projected to be completed by the end of the year. This building will primarily house administrative elements of the Department’s Enterprises Division.

The third Dream it. Do it. Robotics and Cyber Academy is planned for the week of June 23 at the Virginia Rehabilitation Center for the Blind and Vision Impaired. The Department for the Blind and Vision Impaired (DBVI) and the Department for Aging and Rehabilitative Services (DARS) jointly conduct this academy. Students with significant disabilities and served by DBVI and DARS will come together to build a Parallax BOE-Bot and learn basic coding.  The academy instructors will be provided by the National Integrated Cyber Education Research Center.  The curriculum integrates math, physics, electric currents, calculations and problem solving into the fun of programming bots.

On May 30, the Department for the Blind and Vision Impaired will hold its initial reverse job fair. Twenty local employers agreed to directly engage consumers from DBVI and DARS for consideration to fill current job vacancies. The model for this job fair is to have the candidates stationed at fixed locations within the exhibit space and for the employers to approach them to learn of their qualifications. DBVI consumers have been provided opportunities to attend workshops in April and May to sharpen their interviewing skills, strengthen their resumes, and practice networking and presentation skills.

**Department for the Deaf and Hard of Hearing,** Eric Raff, Director

**Executive Management**

Statewide Interagency Team (SIT) is comprised of four agencies, the VDDHH, the Department of Aging and Rehabilitative Services (DARS), the Department for the Blind and Vision Impaired (DBVI) and the Valley Community Services Board. The SIT hosted two town hall meetings on Saturday January 12, held at the Hearing Loss Association of America – Greater Richmond Chapter (HLAA-GRC) with approximately 15 people in attendance and on Saturday March 23, held at the North Virginia Resource Center for the Deaf and Hard of Hearing with approximately 45 people in attendance. The town hall meetings are a part of SIT ongoing effort to develop a needs assessment and identify new priorities. There will be approximately four (4) more town hall meetings scheduled throughout 2019:

June 29 - Richmond

August 10 - Abingdon

Oct 19 – Martinsville (tentative)

Nov 2 - Staunton (tentative)

SIT also hosted a statewide training on March 28-29 in Waynesboro with over 60+ people including staff and regional interagency team members in attendance.

Community Services Manager - On January 31, Gary Talley Community Services Manager retired from VDDHH after 13 years of service. VDDHH posted a job bulletin and initiated a recruitment campaign for a new Community Services Manager. After many applications and interviews, Karen Brimm was appointed. She brings extensive experience as an educational interpreter and Support Service Provider (SSP), office manager and adjunct teacher. The position is responsible to respond to requests for information & referrals, provide training and presentations, conduct outreach activities and provide technical assistance. Ms. Brimm officially begins employment on April 10. VDDHH is also recruiting for a Virginia Relay Manager.

Support Service Provider (SSP) Workgroup – SSP is a service to DeafBlind people providing visual information either through tactile sign language or spoken language (blind people who are hard of hearing) empowering them to live independently since they often face communication barriers and cannot communicate effectively with other people. SSPs assist with grocery shopping, banking, errands, reading letters, civic participation, or other activities that people take for granted. SSP is not a recognized accommodation under the Americans with Disabilities Act yet some states recognize the gaps and barriers deafblind people face, thus fund and administer a SSP program. SSP has been an unfilled need recognized for years but unable to implement in Virginia for one reason or another. VDDHH convened a SSP workgroup to discuss the problem and identify solutions. The workgroup is comprised of representatives from Department for the Blind and Vision Impaired (DBVI), Virginia Commonwealth University (VCU) Deaf-Blind Youth Project, Department of Aging and Rehabilitative Services (DARS), Virginia Association of the Deafblind (VADB), Virginia School for the Deaf and Blind (VSDB) Intervenor Program, Reynolds Community College (RCC) Interpreter Training Program, and the Department of Education. The workgroup met on March 19 with introductions, agencies’ roles and an open discussion.

**VDDHH Advisory Board**

On Wednesday February 6, VDDHH hosted its quarterly meeting of the 9-member advisory board. The agenda included board and agency reports. A guest speaker, Secretary Daniel Carey, MD of the Health and Human Resources Secretariat, gave an overview of HHR priorities and the advisory board members had a very positive dialogue about state initiatives and access issues. The board also received updates regarding the interpreter licensure process and status of legislation during the 2019 General Assembly.

**Virginia Relay**

VDDHH in collaboration with Virginia Information Technology Agency (VITA) and Hamilton Relay initiated changes to the Telecommunication Relay Service (TRS) and Captioned Telephone Service (CTS) contracts concerning how Virginia Relay funds public relations and marketing activities. The two (2) contract modifications were executed which eliminated a marketing firm, a subcontractor, resulting in cost savings. In lieu, Hamilton Relay will provide marketing materials as it does for other states.

**Telecommunication Assistance Program (TAP)**

VDDHH is working on a draft Request for Proposal document to solicit bids for new TAP contracts to be effective January 1, 2020. TAP Program Manager met with representatives from the Supreme Court of Virginia to present a recommended list of consumer screening questions for prospective users of the assistive listening devices during Court appearances and provide demonstrations on how to use the assistive listening devices.

**Interpreter Services Program (ISP)**

The Advisory Board had previously petitioned Department of Professional and Occupational Regulation (DPOR) to study on whether to regulate sign language interpreters. On March 4, the Director and two Advisory Board members presented testimony to the Board of the DPOR highlighting some aspects of the study for their consideration. Due to inclement weather, there was no quorum to take official action. However, DPOR staff indicated they would begin to implement the study.

**Virginia Quality Assurance Screening (VQAS)**

Virginia Quality Assurance Screening (VQAS) Database – The database to track VQAS activities includes diagnostic results of interpreters’ proficiency assessments. After several months of working with the Department of Aging and Rehabilitative Services IT staff, the Virginia Quality Assurance Screening (VQAS) program has begun using an updated database to better track program activity. The updated database resolves several bugs that had persisted in the previous version of the database and presents a much-improved user interface.

**Community Services**

VDDHH provided five (5) consultation sessions to Department of Motor Vehicles, Department of Health and Human Resources (HHR), Virginia Union University, Girl Scouts of America, and Department of Corrections on emergent issues regarding equal access opportunities to effective communication. VDDHH also provided five (5) training sessions including HHR, Office of Health Equity at the Department of Health, two (2) sessions at the Crater Criminal Justice one with law enforcement officers and the other with 911 dispatchers. Some ongoing collaborations include submission of a VDDHH report with recommendations to the Department for Aging and Rehabilitative Services (DARS) for its “Impact of Aging of Virginia Population” state report, participation on the Richmond Regional Interagency Team (RIT) quarterly meeting, and submitting a Letter of Intent to the Virginia Commonwealth University Board for People with Disabilities I-CAN! Accessibility Project so they may obtain a funding grant to create videos of the Protective Orders brochures in American Sign Language.

**Department of Behavioral Health and Developmental Services**, Ms. Deanna Parker, Agency Designee

**DBHDS Independent Housing Outcomes as of May 2019\***

* Baseline # of People in Settlement Agreement Population Living in their own home (as of July 2015) **343**
* Number of People in Settlement Agreement Population Living in their own home (after July 2015) **595**
* TOTAL # of People in Settlement Agreement Population Living in their own home **938**
* GOAL for People in Settlement Agreement Population Living in their own home by end of FY 2019 **796**
* Percentage of Independent Living Goal Met to Date **118%**
* # of individuals in Application, Intake or Housing Search Process **69**
* # of Rental Assistance Resources Set-Aside for the Settlement Agreement Population **613**
* Goal for Rental Assistance Resources Set-Aside for the Settlement Agreement Population by end of FY 2019 **522**
* Percentage of Resource Goal Met **117%**

**Training Center Census: 6/10/2019**

* CVTC= 61
* SEVTC=70
* Total: =131

**IFSP Update**

The**Individual and Family Support Program (IFSP)**is designed to assist individuals on the DD Waiver Waiting List and their families access short-term, person/family-centered resources, supports and services to assist and individual in establishing and maintaining an independent life in the community. DBHDS established the Individuals and Family Support Community Coordination Program to assist families and individuals with developmental disabilities with making local connections to resources and supports that maintain community living. This effort is a partnership led by families who have formed councils covering the five DBHDS service regions.

The IFSP continues to close out the FY19 funding period by assisting recipients with submitting receipts for their FY19 applications. **All FY19 receipts must be submitted no later than July 1, 2019**. FY 2020 funding program timelines will be released in August 2019. Those needing additional information and assistance with the funding program are encouraged to call Senior Navigator for assistance.

In May, the IFSP also released a revised [My Life My Community website](file:///C%3A/Users/tqa49925/Downloads/mylifemycommunityvirginia.org) designed to assist individuals and families with accessing a myriad of supports and services. The site will house the majority of DD content that is currently unavailable on the DBHDS website. There will be active links from the current DBHDS website to the MyLife MyCommunity site. The IFSP Regional councils continue to serve as a resource for families wishing to connect on a local level. If you are interested in learning what the councils are doing, please like the regional council Facebook pages. Links are available on the My Life, My Community site under the heading “Families.”  The IFSP is also partnering with the VBPD to participate in a Community of Practice to learn tools to better engage individuals and families and build community capacity.

**DBHDS Updates**

* The proposed permanent DD Waivers regulations were resubmitted to the OAG inclusive of public comments. The four new services are not incorporated but will be folded in before the regulations become permanent. There will be an additional 30-day public comment.
* DMAS and DBHDS responded to questions from CMS with regard to the CL waiver renewal.
* DBHDS is beginning the process of implementing the rate rebase with Burns and Associates. A waiver provider stakeholder workgroup will be convened for a presentation to explain the rebase documentation process.
* DBHDS is scheduling final deliberations regarding the RFP for the SIS® assessment contract renewal.
* DBHDS has distributed a Shared Living Toolkit for individuals, families and providers interested in utilizing the Shared Living waiver service. The Commonwealth is in need of additional Shared Living providers and is looking at different ways to partner with Virginia agencies and organizations to identify and recruit people willing to serve as Shared Living roommates.
* DBHDS is soliciting volunteers to serve as back-up Waiver Slot Assignment Committee members. For more information, please contact Joan Bender at DBHDS (804) 774-4469. Laura Nuss joined DBHDS on June 10th as the new Deputy Commissioner of Developmental Services.  She brings extensive experience as a provider, senior executive and family member to a loved one with a developmental disability.  Most recently she served as the Director of the D.C. Department of Disability Services. Her nine years of leadership took D.C. from 48th to 8th in the UCP IDD inclusions rankings.  She also served as President of the National Association of State Directors of Developmental Disabilities.

**\*Definitions and Key Terms:**

**Settlement Agreement Population**- Individuals with developmental disabilities who are included in the target population under the Commonwealth’s Settlement Agreement with the U.S. Department of Justice [United States V. Commonwealth of Virginia, United States District Court for Eastern District of Virginia (Civil Action No. 3:12 CV 059)] are as follows: (1) individuals currently reside at any of the Commonwealth’s training centers, (2) individuals that meet the criteria for Developmental Disability Waiver (includes individuals who currently have BI, FIS or CL waivers), or (3) individuals who currently reside in a nursing home or ICFIDD.

**Own Home**- Non-provider owned or operated housing that is leased or owned by an individual in the target population.

**Rental Assistance Set-aside**- rental assistance that is made available specifically individuals who are in the target population.

**Application/Voucher Intake/Housing Search Process**- process in which individuals in the target population: have been referred to a PHA and are completing a program application and submitting required documentation; 2) the individual has submitted an application and associated documents that are under review by the PHA determine program eligibility; 3) the individual has received rental assistance and is actively looking for housing.

**Department of Education,** Samantha Hollins, Agency Designee

On April 29th the Virginia Department of Education (VDOE) joined Governor Northam to launch the [Virginia is for Learners](http://www.virginiaisforlearners.virginia.gov/) initiative to share and grow awareness and support for inclusive public education that leads to improved student performance and outcomes. The Department of Special Education and Student Support hosted staff from the Office of Special Education Program (OSEP) office who conducted an on-site monitoring visit with the Department May 28-29. Areas of focus included General Supervision and Dispute Resolution requirements and responsibilities. The VDOE is hosting the [Equity Summit](http://www.virginiaisforlearners.virginia.gov/?page_id=1188) July 8-10 in Richmond. The summit focuses on the public policies that influence and prepare Virginia educators to advance equitable outcomes for all students.

**VCU Partnership for People with Disabilities,** Donna Gilles, Agency Designee, reported that they recently worked with DMAS and finished the online modules to finish Medicaid to have the information of people to become certified.

**Department of Medical Assistance Services,** Teri Morgan, Stand in, Agency Designee

**HCBS Final Rule**

DMAS and DBHDS continue the work to infuse Home and Community-Based Settings (HCBS) regulation into the public Developmental Disabilities (DD) Waiver system.

The revised Statewide Transition Plan (STP) for the four (4) 1915(c) HCBS waivers: **1) CL Waiver; 2) FIS Waiver; 3) BI Waiver; and, 4) CCC+ Waiver** - were posted for public comment. The objective was to demonstrate how the state will bring waiver services and settings into compliance. As such the Plan addresses the following areas required by CMS for final approval of Virginia’s STP:

* Comprehensive site-specific assessments of all HCBS settings, implementation of necessary strategies to validate assessment results, with coinciding outcomes to activities outlined in the STP.
* Remediation strategies and corresponding timeline which involves resolving of issues at the site-specific settings’ assessment process and subsequent validation strategies identified by the end of the HCBS rule transition period (March 2022).
* A detailed plan for identifying settings presumed to exhibit institutional characteristics, including qualities that isolate HCBS beneficiaries, as well as the proposed process for evaluating these settings and preparing for submission to CMS for review under Heightened Scrutiny.
* A process for communicating with beneficiaries currently receiving services in settings which the state may determine cannot/will not come into compliance with HCBS settings rule by March 2022.
* Ongoing monitoring and quality assurance processes to ensure all settings providing HCBS continue to remain fully compliant with the rule in the future.

The plan allows service providers to “transition” into compliance with new requirements by March, 2022. Thirty-day public comment period began on February 27, 2019 and closed March 29, 2019 at 5:00 pm Eastern Standard Time (EST).

[For more information on the HCBS Statewide Transition Plan, visit this website and scroll to the bottom of the page](http://www.dmas.virginia.gov/#/hcbs). Comments may be sent within the body of an email or placed within a Microsoft Word document and submitted as an email attachment to this address.

Providers have updated their self-assessments in RedCap; with granted extensions on case-by-case basis to many providers. The goal is to have all self-assessments reviewed by July, 2019.

**DOJ Settlement**

The 14th report of the independent reviewer is posted on the DBHDS website. It covers the period from October 1, 2018 – March 31, 2019. The Independent Reviewer noted substantive changes in three critical areas:

1. Completion of complex, multi-year process to approve/implement redesigned waiver programs;
2. Completion of multi-step process to revise emergency DBHDS Licensing Regulations; and
3. Implementation of multi-faceted initiative to improve/transform CSB case management services.

Highlighted progress in several areas.

* Creation of 628 HCBS waiver slots in Fiscal Year 2019;
* Continued to exceed its housing goals;
* Improved case management functioning for this sample.

Substantial disagreements noted regarding the meaning of many of the vaguely worded Agreement provisions, and compliance determination measures. The Court’s directive to negotiate and propose agreed upon measurable indicators of compliance was helpful.

* In response to the Court’s order, the parties each developed and shared draft proposed compliance indicators which resulted in agreement on the indicators of compliance for many of the Agreement’s provisions. These include: case management; crisis services; integrated day activities and supported employment; individual and family supports program; Regional Support Teams; and guidelines for families seeking developmental disability services.

**Waiver Operations**

Permanent proposed regulations for waiver redesign were posted for public comment. The comment period ended 4/5/19; comments are being reviewed. The new FE/A contractor Consumer Direct Care Network of Virginia officially took over on Jan 1st. DMAS and CDCN staff are working closely together to resolve issues that have arisen and assure compliance with the contract.

The Community Living Waiver renewal application was posted for public comment. The 30-day public comment period began on February 20, 2019 and closed March 22, 2019 at 5:00 pm Eastern Standard Time (EST); comments are being reviewed.

**Electronic Visit Verification (EVV)**

Federal compliance with EVV begins on January 1, 2020. EVV for Home Health services begin on January 1, 2023. The Virginia Appropriations Act expanded the use of EVV to include consumer-directed personal care and respite and companion services. Since the federal date has changed, DMAS has changed the required implementation date of EVV for Agency and Consumer Directed personal care, respite care, and companion services that originate or conclude in the member’s home to October 1, 2019. The EVV FAQs were updated on October 3, 2018. They can be found [on the DMAS website](http://www.dmas.virginia.gov/#/longtermprograms). Click on ‘Electronic Visit Verification’ in the top banner. For additional questions please contact this email address.

**Waiver Slots**

The 2019 General Assembly provided no additional waiver slots above the budget passed in 2018.

Community Living Waiver

+ 189 slots for 2019 (60 of these will be facility slots) + 25 reserve/emergency slots

+ 195 slots for 2020 (60 of these will be facility slots) + 25 reserve/emergency slots

Family and Individuals Supports Waiver

+ 414 slots for 2019

+ 481 slots for 2020 = 326 slots in 2019 to address priority 1 waitlist

Building Independence Waiver

+ 40 slots for 2019

**CCC+**

CCC Plus is fully implemented and operating statewide as of January 1, 2018. CCC Plus includes Medicaid members who:

* Receive Medicare benefits and full Medicaid benefits (dual eligible), including members enrolled in Commonwealth Coordinated Care (CCC).
* Receive Medicaid long term services and supports in a facility or through one of the HCBS waivers
* Excluded are the Community Living, the Family and Individual Support, and Building Independence waivers but will enroll for their non-waiver services only.
	+ At this time, their DD waiver services are covered through Medicaid fee-for-service.
* Are eligible in the Aged, Blind, and Disabled (ABD) Medicaid coverage groups, including ABD individuals currently enrolled in the Medallion 3.0 program.

The EDCD and Technology Assisted Waivers were combined into the new CCC+ waiver. The CCC+ waiver offers all the services previously offered on the EDCD and Tech waivers, but now in one waiver managed by the MCO’s. NEW E-MAIL IN BOX - For CCC Plus Waiver Questions, submit [questions to this email address](file:///C%3A/Users/tqa49925/Downloads/questions%20to%20this%20email%20address). For more information, visit [the DMAS website and click the “CCC Plus” link on the far right](https://www.cccplusva.com/).

**EPSDT Changes**

DMAS and CMS have reached an agreement to reverse the policy of November, 2017 regarding the authorization of personal assistance services. CMS previously instructed Virginia to evaluate personal assistance hours based on criteria established in the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) benefit. The shift in procedure caused some to experience reduction in personal assistance hours. Once the policy has cycled through internal/external review, it will be posted for 30-day public comment prior to implementation. Thereafter, the evaluation of the number of personal assistance hours required for members will be based on criteria outlined in the Community Living (CL) and Family and Individual Supports (FIS) Developmental Disability Waivers. Decisions about personal assistance hours will be determined based on an assessment of the services needed for members to remain in their homes and their communities if they choose that option over institutional care. This change will apply only to personal assistance services through the CL and FIS Waivers **for members under the age of 21** requesting service authorizations on or after ‘policy-effective’ date. The “Medical Necessity Assessment and Personal Care Service Authorization Form,” also known as the DMAS-7, will no longer be required for these members after that date.

**OTHER BUSINESS:** Ms. Kate Olsen stated that Arc of Virginia is holding their annual state convention and that she placed postcards on the outside table.

**ADJOURNMENT:** The Chair adjourned the meeting at 3:29.