

Vermont Developmental Disabilities Council

# Quarterly Meeting Minutes ~ December 5, 2019

Vermont Association for the Blind and Visually Impaired, South Burlington

Approved June 25, 2020

**Present:** Kaiya Andrews, Julie Arel, Amanda Bianchi, Gina Carrera, David Frye, Melanie Feddersen, Mike Gruteke, Hillary Hill, Terry Holden, Francoise Kahindo, Steve Kieselstein, Candice Price, Courtney Quinlan, Kay Stambler, Miriam Stoll, Havah Walther

**Absent:** Betsy Choquette, Carol Hassler, Dion LaShay, Hannah Neff, Ed Paquin, Jesse Suter, John Spinney, Crista Yagjian

**Support Staff:** Addie Gibs

**Guests:** Dawn O'Toole, Rich Ossasis, Rep. Maida Townsend, Rep. John Killacky, Rep. Selena Colburn, Rep. Jessica Brumsted, and Senator Michael Sirotkin

**VTDDC Staff:** Kirsten Murphy, Susan Aranoff, Chelsea Hayward

**1. Welcome:** Miriam noted that a quorum was present.

**Motion:** Kay made the motion to accept the agenda. Mike seconded. There was no discussion. **Motion passed:** 11-0-0.

- **Assign Roles** - Roles were assigned:
  - Timekeepers were Kaiya and Melanie.
  - Processors were Amanda and Julie.
  - Keepers of the List were Steve and Mike.
  - Keepers of the Rudder were Havah and David.
  - Jargon Busters were Candice and Kay.
  - Equalizer was Courtney.
- **Welcome Guest** – Miriam introduced Dawn O'Toole, the Chief Operations Officer of the Agency of Human Services (AHS). Dawn is the AHS contact for four (4) other public boards that are similar to the Council. She also oversees administrative issues for all of the departments under AHS.
- **Adopt the Minutes from September** –

**Motion:** Terry made the motion to adopt the minutes from the September Quarterly meeting. David seconded. **Motion passed:** 11-0-0.

## 2. The Story on Storytelling:

- **Highlights from our Workshops** – Through a contract with Vermont Story-Labs, the Council hosted three (3) free evening workshops across the State. These were in Burlington, Montpelier, and Brattleboro. Participants learned how to tell their stories to a legislator in an impactful way. More than 30 people attended.
- **Story Demonstration by David Frye** – David read his two (2) story portraits. His message was “My voice matters... my life matters.”

David said it’s valuable to “go back to the beginning” when telling a story. It was hard to think about being in a segregated school, but the experience was important to share so that we may protect what we have, he explained.

**“I’ve come a long way from the beginning. I have to look at the good things in my life, what I have achieved – to change other people’s [lives]. It’s so important to make a difference by showing others what you’ve been through.” – David Frye**

Kirsten spoke about the value of telling a personal story skillfully. The Five-Year State-Plan includes an objective to create a story bank. She announced that the content of the story bank will be crowd-sourced through a storytelling contest. Ten (10) of the stories submitted will be selected for an evening of storytelling at the State House (see below). Courtney offered her storytelling skills to help other Council members. Members were given a packet to help them develop their personal stories.

- **Stories from Our House to Yours** – The Council will host a story-telling event at the State House cafeteria on February 20, 2020 from 4:30 to 6:00 pm.

## 3. What’s Next? Creating the 2022-2027 Five Year State Plan:

- **Overview** – Kirsten gave a brief overview of the process for creating a Five-Year State Plan (“The Plan”). The Plan is a requirement of the DD Act. It must be submitted by August 15, 2021 to our federal partner for their approval. In the Plan, Council members set the goals and objectives based on a Comprehensive Needs Assessment.

The Plan must include: (1) support for self-advocacy; (2) a project that is undertaken in partnership with the other DD Network organizations – Disability Rights Vermont and the Center for Disability and Community Inclusion at UVM; and (3) a goal that addresses the needs of an underserved community. The best

state plans, Kirsten said, are tightly focused *and* have enough flexibility to allow the Council to address new issues and opportunities as they arise.

- **How Council Members Play a Role** – Council members can make suggestions for focus groups and stakeholder interviews, learn from the information that staff will present as part of the Comprehensive Needs Assessment, join a subcommittee to plan the process for identifying goals and objectives, actively participate in selecting the priorities that will be addressed in the goals and objectives, and encourage people in the DD community to comment on the draft Plan.

#### 4. Policy Committee Report:

- **Updates:** Susan distributed forms to “make a date” with her for a State House visit. She will give any member a personal tour, connect them with the legislators who represent them, and visit committees that address their areas of interest. Mike shared his experience when he visited Susan at the State House last year. He had the chance to tell legislators about being unable to leave his house for several months due to snowy conditions and a lack of transportation.

Susan mentioned that the Policy Committee would like additional members. This opportunity is open to any member willing to participate in a twice monthly phone call during the legislative session. The Committee has one call a month when the legislature is not in session.

Miriam, Courtney, and David told the Council about their visit with Thifeen Deen the Outreach Coordinator for Representative Peter Welch. Topics covered at this meeting included supports for New Americans, the impact of the continuing resolution on the Council’s budget, and changes to developmental services in Vermont. The group thanked Representative Welch for signing on to the ABLE Age Adjustment Act recently as a co-sponsor.

Gina shared that she recently visited Senator Leahy’s office in Washington DC, where she voiced concern about the “Medicaid claw back” in the ABLE act. The “claw back” is a provision in the law that allows Medicaid to be reimbursed for some expenses paid on behalf of an ABLE account holder after the account holder’s death.

- **Adopting VTDDC’s Platform** – Staff gave self-advocate and family members personalized “legislator passports” that identify their Representatives and Senators.

Susan introduced the proposed platform, which was developed by the Policy Committee. It has two parts: (1) a set of Guiding Principles drawn directly from the DD Act; and (2) “Planks,” which are the Council’s response to three (3) specific

issues that the legislature is likely to address in the coming session. Although the Council has supported broad platforms from other disability groups, including the Vermont Coalition for Disability Rights, this will be the first time that the Council has created its own platform.

1. Members discussed the **Guiding Principles** at length.

- Terry suggested changing “individualized services” to “personalized services.”
- Several members said that they were uncomfortable with the term “productivity.”
- Although it is in the DD Act, “self-determination” is not plain language.
- Members suggested other words and phrases, including “belonging,” active inclusion,” and “full engagement.”

**“Diversity is having a seat at the table. Inclusion is having a voice. Belonging is using that voice.”** – Gina Carrera

**“Words are interpreted by the gate-keeper. The gate-keeper decides what boxes to check and what words mean.”** – Terry Holden

Kirsten agreed to return with a revised version of the Principles that reflects member input at the March Quarterly Meeting.

2. **The Planks** – Susan outlined the three issues that the Policy Committee believes the legislature will take up in the 2020 Session (Attached #1). Kirsten emphasized the these would not be the only issues that the Council would address. These are priorities where the Council is likely to play a lead role and where we have a strong chance of being successful. The planks are:

- A law that requires Vermont to have a majority of individuals with disabilities and family members on its Special Education Advisory Board. This is already a requirement under the Individuals with Disabilities Education Act (IDEA), but Vermont has not enforced this rule.
- Two issues related to protecting the Medicaid Program:
  - o A bill that would charge an independent group with evaluating the All Payer Accountable Care Model and its impact on Medicaid recipients.
  - o Support for a budget priority focused on investing in community agencies before additional Medicaid investments are given to reforming the delivery of traditional medical services.

- A law creating an “ombudsman” or advocate for the developmental services system, similar to the ombudsman for long term care.

**Motion:** Mike made the motion to adopt the VTDDC Platform as presented. Kay seconded. There was a detailed discussion. **Motion passed:** 10-1-3.

## 5. Executive Director’s Financial Report:

- **Impact of Continuing Resolution** – Kirsten reported that Congress has not adopted the FFY’20 budget. Instead they have adopted a “Continuing Resolution” (CR) that funds programs at last year’s level until December 20, 2019. Because the Council now moves its money over a shorter period of time, the CR is making it difficult to write larger grants. The Executive Committee has a plan in place to address the issue if the situation continues beyond Dec. 20.
- **Budget adjustment** – Kirsten reminded members that they adopted the FFY’20 budget for the Council at the June Quarterly Meeting. Because of the CR, we do not know what our appropriation for FFY’20 will be. However, as the end of FFY’19, the VTDDC received an additional \$14,025, which was a redistribution of Puerto Rico’s award. Puerto Rico has filed for bankruptcy, and their government cannot accept federal funds. The Executive Committee is proposing the following adjustments, which will be covered by the unanticipated income of \$14,025:
  - Add \$12,497 to “salary and benefits” so that the budget more accurately reflects their current cost. The previous amount was based on figures from 18 months ago and understated the true cost.
  - Add \$1200 for Disability Awareness Day, which brings this line item back to last year’s level. The Council had previously identified this as a priority if additional revenue became available.
  - Move \$1000 from “advocacy consultant” to the “cultural and linguistic competency project” in order to bring this contract back to last year’s level.
  - Add the remaining \$328 to “available for projects.”

During discussion, Miriam spoke in support of the motion. She said, “This is a standard practice, even when the Federal Government doesn’t approve their own budget, and this is a routine thing.” Terry said that she hopes funds can be found for a Leadership Alumni retreat.

**Motion:** Steve made the motion to accept the FFY'20 budget adjustments as proposed. Havah seconded. **Motion passed: 15-0-0.**

The revised budget is attached (Attachment #2)

## 6. Lunch with Legislators:

Council members were joined for lunch by Dawn O'Toole, Rep. Maida Townsend, Rep. John Killacky, Rep. Selena Colburn, Rep. Jessica Brumsted, and Senator Michael Sirotkin.

Everyone introduced themselves, and Susan introduced the Council as a whole. They discussed VTDDC's platform for the upcoming legislative session.

Senator Sirotkin said he was a "big fan of ombudsman programs."

**"I would like to have a system so that when kids are in school, they can have a good skill. So that, when they are out of school, they can contribute to the community."** – Francoise Kahindo

Rep. Colburn agreed that it was very important to have more job training opportunities for Vermonters with disabilities.

Rep. Killacky urged Council members to attend legislative committee meetings and share their lived experiences. Self-Advocates and family members have different perspectives and can help shine a light on so many issues, he said.

## 7. Adopting a Policy:

- **Revised Guidelines for Representing the Council** – This policy has not been revised since 2004. It has been re-written to make the language clearer.

When asked about the Council's position, Kirsten said that members should think about two (2) questions.

- First, who is asking the question? If it is a member of the press, then the question should be answered by the Chair or the Executive Director. If the person asking is not a member of the press, then consider a second question.
- Second, what type of information is being requested?
  - If you are asked for general information about the Council, any member should feel free to share what they know. If you make a presentation about the Council, please let the Executive Director know.

- If you are asked about an issue that the Council has voted on, any member should feel free to say what the outcome of the vote was. Kirsten explained that members should not speak against the adopted position, even when they do not agree with it. When the Council has taken a vote, the Council speaks with one voice. This is sometimes called “the responsibility to the whole.” Similarly, members should not tell people how other members voted. If a roll call vote was taken, then individual votes are recorded in the minutes, which are public.
- When you are asked about an issue that the Council has not voted on, you should refer the question to the Executive Director or the Chair.
- **Activity, “You be the Judge”** – Council members broke into four groups. Using a set of “situation cards,” they practiced applying the guidelines.

**Motion:** Kay made the motion to pass the policy as presented. Mike seconded.  
**Motion passed: 15-0-0.**

- **Follow-up:** Staff will record a video where the policy is read so that members can review it in an alternative format. The revised policy will be circulated to members.

## 8. Chair’s Report:

- **Memorandum of Understanding (MOU)** – Miriam explained that a Memorandum of Understanding is a written agreement between at least two groups that explains what each group will do to accomplish a shared goal. Councils are not required to have an MOU, but if they ask their host agency for one, the agency must work with the Council to develop one. The Agency of Human Services is VTDDC’s host agency.

The MOU is a “living document” that will be reviewed in one year. After that, it will be reviewed once every two years.

An MOU focuses on the “big picture,” so not every responsibility is covered – just the most important ones. The Council has negotiated a second document that lays out detailed guidelines that the AHS Business Office and VTDDC will follow when managing Council contracts, grants, and other financial matters.

Miriam and Kirsten read from the MOU summary (Attachment #3). The full MOU can be provided to any member upon request. Because it is a legal document, it is not written in plain language.

**Motion:** Kay made the motion to authorize the VTDDC Chair to sign the Memorandum of Understanding. Terry seconded. **Motion passed: 11-0-2.**

## 9. Public Comment:

- There was no public comment.

## 10. Summarize Meeting and Adjourn:

As the Processor, Amanda felt that everyone had good discussion and worked well together. Council members said one or two words about the meeting.

**Motion:** David made the motion to end the meeting. Hillary seconded. **Motion passed: 13-0-0.**

Respectfully submitted,

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Chelsea Hayward

## 2020 Legislative Platform

The State must **ensure robust stakeholder engagement**, especially with individuals who have the lived experience of disability and their families, when shaping public policies that impact them.

- ⇒ Vermont must adopt legislation requiring that a majority of the members of **Vermont's Special Education Advisory Board** are individuals with disabilities or parents of children with disabilities (ages birth through 26), as required by federal law [Title 34 Sec. 300.168(b)].

**Protect Vermont's Medicaid Program** so that there are adequate funds to address the healthcare and long-term support needs of Vermonters with disabilities.

- ⇒ Medicaid investment funds should be directed to shore up Vermont's community-based agency system before any further investments are made in reforming the delivery of traditional medical services.
- ⇒ The legislature must lay the groundwork now for potential renewal of the All Payer Accountable Care (ACO) Model Agreement in 2020 by requiring an independent evaluation of the ACO Model in terms of cost, quality of care, and its impact on the health of Vermonters.

**Adequate checks and balances** must exist within the systems that deliver community-based supports and services.

- ⇒ Vermont should create **an independent Developmental Services Advocate** similar to the Office of the Long-Term Care Ombudsman. The DS Advocate would: receive, track, and address individual complaints; educate recipients of service about their rights; and advocate for administrative and legislative changes that uphold the right of individuals in the DS System to make informed decisions about where and how they will live.

Attachment 2

**Income**

| Source                        | FFY'20 Budget, adjusted<br>12/5/19 | Balance              |
|-------------------------------|------------------------------------|----------------------|
| Federal Allocation            | \$ 507,546.00                      |                      |
| Re-allocation of P Rico Funds | \$ 14,025.00                       |                      |
| Unused from previous years    | \$ 20,000.00                       |                      |
| <b>subtotal</b>               | <b>\$ 541,571.00</b>               | <b>\$ 541,571.00</b> |

**Expense**

**SALARY & BENEFITS**

|                  | FFY'20 Budget, adjusted<br>12/5/19 | Balance              |
|------------------|------------------------------------|----------------------|
| Salary           | \$ 218,592.00                      |                      |
| Benefits, FFY'19 | \$ 88,224.00                       |                      |
| <b>subtotal</b>  | <b>\$ 306,816.00</b>               | <b>\$ 234,755.00</b> |

**COUNCIL SUPPORT**

|                        | FFY'20 Budget, adjusted<br>12/5/19 | Balance              |
|------------------------|------------------------------------|----------------------|
| Meals & Space          | \$ 2,500.00                        |                      |
| Member per diem        | \$ 4,000.00                        |                      |
| Travel -- In State     | \$ 6,000.00                        |                      |
| Travel -- Out of State | \$ 10,000.00                       |                      |
| Council Training       | \$ 2,500.00                        |                      |
| <b>subtotal</b>        | <b>\$ 25,000.00</b>                | <b>\$ 209,755.00</b> |

**GENERAL OPERATING**

|                           | FFY'20 Budget, adjusted<br>12/5/19 | Balance              |
|---------------------------|------------------------------------|----------------------|
| Occupancy -- rent         | \$ 10,964.00                       |                      |
| Occupancy -- parking      | \$ 1,920.00                        |                      |
| Phone                     | \$ 1,200.00                        |                      |
| Printing & Postage        | \$ 4,000.00                        |                      |
| Office Supplies           | \$ 1,800.00                        |                      |
| Equipment                 | \$ 1,056.00                        |                      |
| Dues, NACDD               | \$ 4,310.00                        |                      |
| Subscription, DD Suite    | \$ 1,625.00                        |                      |
| IT Fee per Central Office | \$ 3,075.00                        |                      |
| Conference Reg            | \$ 1,500.00                        |                      |
| Travel                    | \$ 5,000.00                        |                      |
| <b>subtotal</b>           | <b>\$ 36,450.00</b>                | <b>\$ 173,305.00</b> |

## CONTRACTS, GRANTS & PROJECTS

### General

|                             | FFY'20 Budget, adjusted<br>12/5/19 | Balance       |
|-----------------------------|------------------------------------|---------------|
| Program Evaluation          | \$ 5,000.00                        |               |
| Advocacy Consultant         | \$ 1,500.00                        |               |
| Sponsorships: Various       | \$ 7,000.00                        |               |
| Cultural & Linguistic Comp. | <u>\$ 5,000.00</u>                 |               |
| <b>subtotal</b>             | <b>\$ 18,500.00</b>                | \$ 154,805.00 |

### Five Year Plan Projects

|                           |                     |               |
|---------------------------|---------------------|---------------|
| Disability Awareness Day  | \$ 8,700.00         |               |
| Vermont Leadership Series | <u>\$ 30,000.00</u> |               |
|                           | <b>\$ 38,700.00</b> | \$ 116,105.00 |

### Five Year Plan Projects to be Awarded in FFY'20

|                        |                      |      |
|------------------------|----------------------|------|
| Available for Projects | <u>\$ 116,105.00</u> |      |
| <b>subtotal</b>        | <b>\$ 116,105.00</b> | \$ - |

## Summary: VTDDC’s Memorandum of Understanding

A memorandum of understanding (MOU) is a written agreement between at least two groups that explains what each group will do to accomplish a shared goal. Having an MOU supports a positive working relationship and avoids possible misunderstandings. The Council and the Agency of Human Services (AHS) have developed an MOU that says how AHS will help the Council implement the federal DD Act and accomplish the goals and objectives laid out in the VTDDC’s Five-Year State Plan. It also says what the Council must do in order to do its work as an organization that is part of Vermont State government.

The MOU is divided into sections, called “Statements of Understanding,” based on different areas of administrative responsibility. In each section, the MOU lays out the important duties that each group promises to fulfill. These are summarized below. An MOU focuses on the “big picture,” so not every responsibility is covered – just the most important ones.

| <i>What VTDDC will do</i>  | <i>What AHS will do</i>   |
|--|---|
| <b>Managing Staff</b>  |   |
| <ul style="list-style-type: none"> <li>• Follow the State’s personnel rules and policies.</li> <li>• Hire and evaluate the Executive Director (ED)</li> <li>• Provide job descriptions for other Council staff that align with the State’s job classification system.</li> <li>• Hire and evaluate VTDDC staff.</li> </ul> | <ul style="list-style-type: none"> <li>• Provide access to the AHS-CO’s human resources officer who can assist with recruitment, hiring, and other personnel matters.</li> <li>• Accept the VTDDC’s recommendation regarding the hiring/firing of the ED.</li> <li>• Designate the ED as the supervisor &amp; hiring authority for other VTDDC staff.</li> <li>• Consider all VTDDC staff to be AHS employees.</li> </ul> |
| <b>Information Technology (IT) &amp; Legal Services</b>  |   |
| <ul style="list-style-type: none"> <li>• Follow state IT rules and policies.</li> <li>• Pay an annual fee for IT services.</li> <li>• Use the AHS Central Office legal staff if needed.</li> </ul>   | <ul style="list-style-type: none"> <li>• Make IT services available including phone, internet, and IT support and security.</li> <li>• Make legal services available if needed.</li> </ul>  |

| <i>What VTDDC will do</i>  | <i>What AHS will do</i>  |
|--|--|
| <b>Managing Finances</b>   |  |
| <ul style="list-style-type: none"> <li>• Prepare and approve an annual budget in a format that aligns with the State’s accounting system.</li> <li>• Make all decisions regarding how funds are spent, provided these are consistent with State rules and policies.</li> </ul>               | <ul style="list-style-type: none"> <li>• Share information and explain State rules for financial management.</li> <li>• Process Council-approved requests for spending.</li> <li>• Receive, account for, and spend VTDDC funds using standard accounting methods and following federal rules.</li> <li>• Provide timely financial reports.</li> </ul>  |
| <b>Planning and Grant Activity</b>   |  |
| <ul style="list-style-type: none"> <li>• Develop the Five-Year State Plan.</li> <li>• Award grants and contracts to support Five-Year Plan activities, following all State rules and policies.</li> <li>• Follow a set of special guidelines for processing grants and contracts.</li> </ul> | <ul style="list-style-type: none"> <li>• Work cooperatively with the Council to process grants and contracts in a timely manner.</li> <li>• Recognizes that federal law gives the Council the authority to award grants and contracts.</li> </ul>  |
| <b>Appointing Council Members</b>  |  |
| <ul style="list-style-type: none"> <li>• Recruit and select members of the public to serve on the Council, subject to Governor appointment.</li> <li>• Pay a stipend of \$60/day or \$30/half day, which is slightly higher than the State standard stipend.</li> </ul>                      | <ul style="list-style-type: none"> <li>• Help VTDDC find and appoint 4-5 representatives from AHS departments to serve on the Council.</li> </ul>  |
| <b>Other</b>   |  |
| <ul style="list-style-type: none"> <li>• Help AHS prepare an annual report that summarized all the federal grants given to AHS.</li> </ul>   | <ul style="list-style-type: none"> <li>• Sign a set of assurances every five (5) years, including a promise that AHS will not interfere with the Council’s advocacy.</li> <li>• Recognizes that Council staff may speak in public about VTDDC’s position on a rule, policy or law that may impact on Vermonters with developmental disabilities and their family members.</li> <li>• Account for the cost of its support to the Council and report this as Vermont’s contribution to the VTDDC.</li> </ul> |

