

**LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL**

**October 18, 2018**

**MEETING SUMMARY (motions only)**

Embassy Suites  
Baton Rouge, LA

8:30 A.M.

**MEMBERS PRESENT**

Melissa Bayham  
Kim Basile  
Michael Billings  
Hilary Bordelon  
Randall Brown Jr.  
Carmen Cetnar  
Alan Coulter, HDC  
Lillian DeJean  
Jill Demeritt  
April Dunn  
Julie Foster Hagan, OCDD  
Michelle Guillory, GOEA  
Jill Hano  
Mitch Iddins  
Enrice Jones  
Tara LeBlanc, OAAS  
Hyacinth McKee  
Susan Meyers, Advocacy Center  
Steven Nguyen  
Robert Paddy  
Bambi Polotzola, GODA  
Tara Smith  
Mary Tarver  
Crystal White

**MEMBERS ABSENT**

Patti Barovechio, OPH/CSHS  
Dee Budgewater, BHSF  
Roslyn Hymel  
Jamie Wong, LDOE

**GUESTS PRESENT**

Karen Artus, LaCAN Region 9  
Laura Bracken, Community Provider  
Association  
Donna Breaux  
Wesley Cagle, South Central LA HSA  
Debra Fontenot, FHF Acadiana  
Ryan Gremillion, LDOE  
Corlis Gremillion, Capital Area HSD  
Lynsey Hebert, Transcriptionist  
Ashley McReynolds, LaCAN Region 2  
Charles Michel, Bayou Land FHF  
Kelly Monroe, Arc of LA  
Laci Polotzola, FHF Acadiana  
Fiona Ritchey, OPH/CSHS  
Chris Rodriguez, Advocacy Center  
Matthew Rovira  
James Sprinkle, FHF Crossroads  
LeAngela Washington, FHF GBR

**STAFF PRESENT**

Brenton Andrus  
Halie Belin  
Shawn Fleming  
Kourtney Gaines  
Ebony Haven  
Courtney Ryland  
Sandee Winchell

April Dunn called the meeting to order at 8:30 a.m. and welcomed new members Melissa Bayham and Michelle Guillory to their first Council meeting.

## SUMMARY OF OCTOBER MEETING

*Note: This summary contains motions made at the meeting. This summary will be updated with background information related to each motion and critical information shared by each agency prior to the January 2019 Council meeting.*

**MOTION PASSED.** Motion to accept the [Summary of the July 2018 Council meeting](#) made by Jill Hano, seconded by Susan Meyers, passed without objection.

### **CHAIRPERSON'S REPORT – April Dunn**

Ms. Dunn announced appointments of the following members to Council Committees:

- Self-Determination/Community Inclusion Committee: Michelle Guillory
- Education/Employment Committee: Enrice Jones, Hyacinth McKee, Melissa Bayham
- Act 378 Sub-Committee: Kim Basile
- Act 833 Ad Hoc Committee: Hilary Bordelon, Alan Coulter, April Dunn, Liz Gary, Hyacinth McKee, Ashley McReynolds, Susan Meyers, Robert Paddy (Chair) Mary Tarver, Crystal White, Jamie Wong
- Employment Advocacy Ad Hoc Committee: Hilary Bordelon, Randall Brown, Jill Demeritt (Chair), April Dunn, David Gallegos, Enrice Jones, Kelly Monroe, Angela Montgomery, Rosemary Morales, Bambi Polotzola, Crystal White
- Partners Selection Committee: Kim Basille, Michael Billings, Hilary Bordelon, Randall Brown, Carmen Cetnar, April Dunn, Bambi Polotzola
- Individual and Family Support/Consumer Care Resources Workgroup: Kim Basile, Wesley Cagle, Carmen Cetnar, April Dunn, Liz Gary, Ashley Jefferson, Ashley McReynolds, Susan Meyers, Kelly Monroe, Tanya Murphy, Nicole Sullivan-Green, Crystal White

Ms. Dunn shared her participation in numerous meetings.

**MOTION PASSED.** The Executive Committee's recommendation to have dinner be limited to informal discussion with no formal presentation except on an as needed basis passed without objection; no abstentions.

**MOTION PASSED.** The Executive Committee's recommendation for the Council to eliminate the designated time on the agenda for agencies to solicit input and allow any agency representative to request extra time during their report if they want to solicit input from the Council passed without objection; no abstentions.

**MOTION PASSED.** The Executive Committee's recommendation for the Council to adopt the following for its 2019 legislative agenda:

- Funding of \$600,000 to expand the State Personal Assistance Services (SPAS) program to serve those on the waiting list
- Funding and Implementation of TEFRA
- Funding of \$7.34 Million to bring the two lowest funded Local Governing Entities (LGEs) per capita (NW & Florida Parishes) to \$24 per capita
- Require cameras and microphones in special education self-contained classrooms

- Education public reporting
    - Require complaint reports to be publicly available
    - Require findings of on-site monitoring visits to be publicly available
- passed without objection; no abstentions.

**MOTION PASSED.** The Executive Committee's recommendation for the Council to make the following amendments to the Council's FY2019 Action Plan:

- Delete Activity 5.1.5 Provide funding to build the capacity of employment providers in customized employment through intensive web-based training. Approximate FFY 2019 Cost: \$2,700
- Amend Activity 5.1.3 Provide funding to build the capacity of employment providers in customized employment through a competency-based certification program. Approximate FFY 2019 Cost: ~~\$53,000~~ \$55,700

passed without objection; no abstentions.

**MOTION PASSED.** The Executive Committee's recommendation for the Council to join the State Interagency Coordinating Council in recommending that the Office for Citizens with Developmental Disabilities (OCDD) discontinue family cost participation (FCP) in EarlySteps for FY20 without changing eligibility criteria for the program passed without objection; Julie Foster-Hagan abstained.

### **EXECUTIVE DIRECTOR'S REPORT - Sandee Winchell**

Ms. Winchell welcomed the new Council members, Melissa Bayham and Michelle Guillory and introduced new Council staff members: Ebony Haven, Courtney Ryland and Halie Belin.

### **BUDGET REPORT – Shawn Fleming**

Mr. Fleming shared details from the End-of-Year [budget report for State Fiscal Year 2018 \(SFY18\)](#) and the [SFY19 Budget Report through September](#).

MOTION. Hilary Bordelon made a motion, seconded by Stephen Nguyen, to convene an Ad Hoc Committee to research options for the Council to hire, employ or contract with a person with a developmental disability.

**SUBSTITUTE MOTION PASSED.** A substitute motion made by Bambi Polotzola, seconded by Tara Nunez-Smith, to direct Council staff to evaluate opportunities to employ someone with a developmental disability passed without objection, no abstentions.

## **COMMITTEE REPORTS**

### **ACT 378 SUB-COMMITTEE – Bambi Polotzola**

**MOTION PASSED.** The Act 378 Subcommittee's recommendation for the Council to endorse the following changes to the Individual and Family Support (IFS) and

Consumer Care Resources (CCR) programs to address policy and practice concerns and recommend they be implemented by the LA Department of Health (LDH):

- Include a section on the Act 378 guiding principles in the policy manuals
- Redefine the programs' purpose to include a focus on improving or enhancing the quality of life for individuals with disabilities and their families
- Allow infants and toddlers who were determined to meet EarlySteps criteria be eligible for IFS services
- Allow for reimbursement of expenditures for services previously rendered with justification
- Replace all references to "payer of last resort" in the policy manuals with the following: "a home and community-based waiver, Medicaid State Plan services if the participant is a Medicaid recipient, EarlySteps, Louisiana Rehabilitation Services, or Medicaid funded behavioral health services." Also note that IFS funds should not supplant supports from these sources
- Delete several references to "ineligible supports" in the policy manual
- Specify additional information to be provided to the Regional Advisory Committee at least quarterly in policy manuals
- Allow for continuation of services throughout the appeal process
- Require the individual and/or family making a request for IFS services be notified of their opportunity to present their request to the IFS Committee during development of the Plan of Support. This notification must be documented in the case file.
- Include this language: "Any LGE with an internal IFS policy shall submit this policy to state office for review and determination of compliance with state policy."
- Ensure CCR policies aligned with IFS policies be updated to reflect these recommended changes

passed without objection; no abstentions.

#### **SELF DETERMINATION/COMMUNITY INCLUSION COMMITTEE – Randall Brown**

**MOTION PASSED.** The Self-Determination and Community Inclusion Committee's recommendation for the Council to support using all but \$1 Million of the money currently in the New Opportunities Waiver Fund (approximately \$6.7 Million) to restore waiver provider and support coordination rates to 2008 levels passed without objection; no abstentions.

**MOTION PASSED.** The Self-Determination and Community Inclusion Committee's recommendation for the Council to request the Office for Citizens with Developmental Disabilities (OCDD) move forward on rule promulgation to allow all individuals including parents and spouses living in the home of the waiver recipient to serve as their Direct Support Professional (DSP) passed without objection; Julie Foster-Hagan abstained.

## **EDUCATION AND EMPLOYMENT COMMITTEE – Hilary Bordelon**

**MOTION PASSED.** The Education and Employment Committee's recommendation for the Council to adopt the following four recommendations developed by the Employment Advocacy Ad Hoc Committee:

- Recommend that LRS change the certification for Employment Support Professionals to competency based
- Explore with LRS and OCDD making Supported Employment waiver providers be LRS vendors
- Recommend that LRS explore a higher rate for rural/underserved areas
- Recommend that OCDD include transportation as a service in the new consolidated waiver

passed without objection; no abstentions.

**MOTION PASSED.** The Education and Employment Committee's recommendation for the Council to send a letter to LDOE requesting a contact list of Superintendents and special education supervisors/directors of every publicly funded local education agency (i.e., traditional parish and city school systems and charter school systems) passed without objection; no abstentions.

SUBSTITUTE MOTION (FAILED). A substitute motion by Tara Nunez-Smith, seconded by Alan Coulter, to use data provided to Ms. Smith by the Louisiana Department of Education on 10/17/18 containing a contact list of local education agency (LEA) superintendents and direct staff to build a data base of all LEA special education directors on an annual basis failed by a vote of fifteen nays to seven yeas; Jill Hano abstained.

**MOTION PASSED.** The Education and Employment Committee's recommendation for the Council to direct the Act 833 Ad Hoc Committee to determine a list of resources on Act 833 and the contents of letters to send to local education agencies passed without objection, no abstentions.

**MOTION PASSED.** The Education and Employment Committee's recommendation for the Council to send a letter requesting Louisiana Department of Education (LDOE) allocate a proportionate, or more, amount of funding for initiatives to address shortages of special education teachers and related service personnel than is allocated to fund initiatives for STEM teacher shortages passed without objection, no abstentions.

- The letter should focus on the differences in shortages and teachers in out-of-field areas between special education and STEM fields shared at the Minimum Foundation Program Task Force on October 17, 2018 and secondly, information related to performance gaps of students with disabilities relative to students without disabilities.

**MOTION PASSED.** The Education and Employment Committee's recommendation for the Council to solicit an opinion from the Attorney General on whether the distribution of local funding in the Minimum Foundation Program to Type 2 and 5 charter schools is performed in accordance with state law (R.S. 17:3995) passed without objection, no abstentions.

**MOTION PASSED.** The Education and Employment Committee's recommendation for the Council to convene an Ad Hoc Committee to review issues with and develop recommendations relative to implementation of Act 696 of 2018 passed without objection; no abstentions.

Volunteers to serve on the Act 696 of 2018 Ad Hoc Committee included: Karen Artus, Kim Basile, Hilary Bordelon, Alan Coulter, April Dunn, Liz Gary, Michelle Lapin, Ashley McReynolds, Hyacinth McKee, Robert Paddy, Bambi Polotzola, and Crystal White.

**MOTION PASSED.** A motion made by Robert Paddy, seconded by Hilary Bordelon for the Council to take a position to disagree with the rules passed by the Board of Elementary and Secondary Education (BESE) on October 17, 2018 regarding alternative schools and programs relative to accountability and standards due to lack of adequate stakeholder input passed without objection; no abstentions.

## **COUNCIL AGENCY REPORTS**

### **LOUISIANA REHABILITATION SERVICES (LRS) – Melissa Bayham**

#### **ADVOCACY CENTER (AC) – Susan Meyers**

Chris Rodriguez, the new executive director of the Advocacy Center, introduced himself.

### **GOVERNOR'S OFFICE OF DISABILITY AFFAIRS (GODA) – Bambi Polotzola**

#### **OFFICE OF AGING AND ADULT SERVICES (OAAS) – Tara LeBlanc**

Ms. LeBlanc shared information related to the settlement agreement between LDH and the Department of Justice (DOJ) regarding transitioning people with mental illness out of nursing homes. Below are links related to the DOJ complaint, findings and agreement with LDH:

- [Department of Justice homepage for Louisiana's case](#)
- [Findings Letter](#)
- [Agreement](#)
- [Complaint](#)

ADA Olmstead Enforcement:

[https://www.ada.gov/olmstead/olmstead\\_cases\\_list2.htm](https://www.ada.gov/olmstead/olmstead_cases_list2.htm)

### **HUMAN DEVELOPMENT CENTER (HDC) – Alan Coulter**

#### **OFFICE OF PUBLIC HEALTH (OPH) – Fiona Ritchey**

#### **BUREAU OF HEALTH SERVICES FINANCING (BHSF) – none**

Ms. Budgewater was absent due to a death in her family.

### **OFFICE FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES (OCDD) – Julie Foster- Hagan**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**ANNOUNCEMENTS**

The next Council meeting will be January 16-17, 2019 at the Embassy Suites, Baton Rouge.

**ADJOURNMENT OF BUSINESS MEETING**

**MOTION PASSED.** A motion to adjourn by Lillian DeJean, seconded by Steven Nguyen, passed without objection.