

LOUISIANA DEVELOPMENTAL DISABILITIES COUNCIL

October 18, 2018

MEETING SUMMARY (motions only)

8:30 A.M.

Embassy Suites
Baton Rouge, LA

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

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

LOUISIANA DEPARTMENT OF EDUCATION (LDOE) – Ryan Gremillion

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.