New Mexico Commission for the Blind

State Rehabilitation Council

Minutes of Regular Meeting (Draft)

October 21, 2019 - 9:00 AM

Commission for the Blind

2200 Yale Blvd SE

Albuquerque, NM 87106

1. Roll Call

Mr. O'Brien called the meeting to order at 9:27 AM, and asked Ms. Burma to take roll. Roll was taken, and present were Bernadine Chavez, Kaity Ellis, Urja Lansing, Paul Luttrell, Lila Martinez, Yolanda Montoya Cordova, Tom O'Brien, and Greg Trapp. No members were absent.

2. Introduction of Guests and Staff

Staff present included Jim Salas, Deputy Director, Kelly Burma, SRC Liaison and Skills Center Coordinator, and Louise Lopez, Vocational Rehabilitation counselor. Guests included Phyllis Conner, Coby Livingstone, and Paula Seanez.

3. Approval of Agenda

Ms. Lansing moved to approve the agenda, and Mr. Luttrell seconded the motion. Mr. Trapp asked permission to move the item from Ms. Montoya-Cordova to the morning, and Ms. Lansing and Mr. Luttrell agreed to amend their motions and second accordingly. A vote was taken and the agenda was approved unanimously.

4. Approval of Minutes of Meeting of August 7 and 8, 2019

Mr. O’Brien expressed his appreciation to Western New Mexico University for hosting the last meeting. Ms. Ellis moved to approve the minutes of the meeting of August 7 and 8, and Ms. Lansing seconded the motion. A vote was taken, and the minutes were approved unanimously. Ms. Chavez complemented staff on the minutes.

5. Chair Report, Tom O’Brien

Mr. O’Brien gave the Chair report, saying that the election of officers would be held today, and that the officers would assume their duties immediately. Mr. O’Brien said that the Legislative Finance Committee hearing would be on October 31, and that this would be a short session of the legislature. He said that he was hoping that the budget would be back where it was, and that the state has more revenue due to oil and natural gas production.

6. Election of Officers

Mr. Trapp said that the membership has fallen below ten members, meaning that the Executive Committee automatically reduces to three members to avoid the Executive Committee constituting a quorum.

Mr. O’Brien asked Ms. Lansing to Chair the election. Ms. Ellis nominated Mr. O’Brien as Chair, and Ms. Chavez seconded the motion. Ms. Lansing called for more nominations, and after none were received Mr. O’Brien was elected by acclamation.

Mr. O’Brien conducted the elections for Vice Chair and Secretary. Ms. Chavez nominated Ms. Lansing for Vice-Chair. Mr. O’Brien seconded the nomination. Mr. O’Brien called for more nominations, and after none were received Ms. Lansing was elected by acclamation.

For the position of Secretary, Mr. O’Brien nominated Ms. Ellis. Mr. Luttrell motioned that nominations cease, and Ms. Ellis was elected by acclamation.

7. Client Assistance Program Report, Bernadine Chavez

Ms. Chavez reported that CAP had two calls about the Commission during the quarter, both of which were only for informational purposes. She reported that DRNM participated at a transition fair in Ruidoso.

Mr. O’Brien asked about DVR, and Ms. Chavez responded that CAP had 32 DVR contacts in the last quarter, of which 90 percent turned into cases. Ms. Chavez said that the Order of Selection is creating issues.

8. Section 121 Report, Paula Seanez

Ms. Seanez reported by phone, saying she reapplied for membership to the SRC. She said she sent in her application and hopes to be appointed soon. Ms. Seanez said that RSA put out an RFP for the tribal VR program, and that 47 applications for tribal rehab programs were received, and all but three were funded. Ms. Seanez said the Navajo, Jemez, and Laguna Acoma programs were not in this funding cycle, and that the Navajo program was in the 4th year of a 5 year grant. She reported that Laguna Acoma is out of Order of Selection, and engaging in outreach. The written report submitted by Ms. Seanez is attached to these minutes.

Mr. O’Brien asked how the DVR Order of Selection affects tribal rehab programs, and Ms. Seanez responded that the consumer would not be eligible for a collaborative case with DVR.

9. Statewide Independent Living Council Report, Coby Livingstone

Ms. Livingstone said that the SILC did not meet since the last SRC meeting, so she did not have anything to report.

Ms. Chavez said that there was a concern with the IL centers since their funding was coming out of the Ticket to Work, and that as a result of the Order of Selection the DVR Ticket to Work revenues had decreased.

Mr. Trapp said that Ticket to Work is another way of saying program income, and that the funding approach used by the Commission and DVR allows for significant leveraging of resources. Mr. Trapp said that the Commission has used program income to fund the IL program for about 15 years, saying that the Commission uses program income to relieve General Fund, which is then available to be used as VR match. Mr. Trapp said that DVR started doing the same thing a few years ago. He said that the VR program has a very favorable match rate of 21.3 percent federal to 78.7 percent state funds. Mr. Trapp said that he had suggested to DVR that they use their program income in a similar way, and that he had suggested the $500,000 figure as a conservative amount that should have been safe. He said that he has also encouraged DVR to not do it as a one to one split, but to provide some benefit to the IL centers.

Ms. Chavez said that Category 2 of the Order of Selection is presumptive eligibility, and that they are considered category 2 if they get Social Security disability.

Mr. Trapp said that he was very surprised that Category 2 presumptively included persons on SSI and SSDI, and that he had previously alerted DVR to the potential impact on program income if they had closed out all of their categories in the Order of Selection. Mr. Trapp said that the Commission also shares in receiving $200,000 of DVR program income, and that they have done this for the last three years. Mr. Trapp said that DVR had received a large amount of program income and that it needed to be quickly spent because of the requirement to first spend program income. He said he came up with the idea of the Commission spending some of the DVR program income and transferring back to DVR $100,000 in General Fund, which DVR could use to match about $370,000 in VR funds. The Commission used the other $100,000 to relieve an equal amount of General Fund, which the Commission used to likewise match about $370,000 in VR funds. Mr. Trapp said he had anticipated doing this for only a single year, but that it has been included in the budget. Mr. Trapp said that the decreased DVR program income would also have a negative fiscal impact on the Commission, as well as DVR since they would not receive the extra General Fund from the Commission.

Ms. Montoya-Cordova said that DVR had opened category 1 for the last few months, and Ms. Chavez said that there were three months when all categories were closed.

Mr. Trapp described the various factors impacting on program income, including the increasing Substantial Gainful Activity level, and especially for persons who are blind. Mr. Trapp said that the Commission has fewer but larger reimbursements, creating greater fluctuations in the Commission’s program income. Mr. Trapp said that DVR has more but smaller reimbursements, meaning that they should have less fluctuation in program income amounts from year to year. Mr. Trapp said that the Commission has been anticipating and planning for a reduction in program income, which is one reason why the Commission has the non-reversionary language as it helps compensate for years when less program income is received.

Mr. O’Brien said that it is really necessary to have leadership keep an eye on the ball, stressing how valuable it is that the Commission has had steady leadership over the years. Ms. Chavez agreed, saying that she also thought that Diane Morning Brown was doing a great job.

Ms. Montoya-Cordova stressed the importance of having a strong CFO and good program planning, talking about the program income generated by the Human Rights Division.

Mr. Salas said that there were three key positions for the generation of the Commission’s program income, a director who sees the big picture, the VR counselor who sees what cases can be processed, and the technician who files the claims in an accurate and timely manner.

10. Director’s Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp said that the state just observed White Cane Safety Day, and that he, Chairman Schreiber, and Ms. Burma presented at the White Cane event for the Blinded Veterans Association.

Mr. Trapp asked Ms. Burma to read the White Cane Safety Day Proclamation. After Ms. Burma read the proclamation, Mr. Trapp asked that it be attached to the minutes. Mr. Trapp said that prior to the White Cane Law courts would hold at fault a blind person who was injured by a car, no matter how at fault the driver was on the theory that no reasonable blind person would be walking without sighted assistance.

Ms. Burma said that there is a video on Facebook of her reading the proclamation at the Blinded Veterans Association event at the VA.

Ms. Lansing said that New Mexico was the first state to pass the Model White Cane Law, and Mr. O’Brien asked how that came about. Mr. Trapp explained the history, saying that the National Federation of the Blind passed a resolution in 1963 calling on the states to designate October 15 as White Cane Safety Day, and that President Johnson signed a proclamation in 1964 authorizing him to declare October 15 as White Cane Safety Day.

Mr. Trapp said that the major news is that Johnny Collett has resigned as Assistant Secretary of Education, and that the Rehabilitation Services Administration Commissioner, Mark Schultz, has been delegated the duties of Acting Secretary. Mr. Trapp said that he is hoping that this will help empower Mr. Schultz to give agencies the flexibility that is needed with respect to Pre-ETS. Mr. Trapp said that the meetings of the National Coalition of State Rehabilitation Councils, the Council of State Administrators of Vocational Rehabilitation, and the National Council of State Agencies for the Blind meetings are next week in Jacksonville, Florida. Mr. Trapp said that he and Ms. Chavez will be presenting to the NCSRC on Sunday, that he will be part of a lunch meeting on Monday with Mark Schultz, that he will be part of a marketing lunch meeting on Tuesday, that he will be presiding over the Order of Selection session Tuesday afternoon, and that he will be meeting with Mark Schultz on Wednesday for the NCSAB Executive Committee. Mr. Trapp said that the Monday meeting is especially critical as it will be before the promised flexibilities are issued, and that he is hoping to get as much as possible in terms of the promised flexibilities. Mr. Trapp said that it is a small meeting, with himself, NCSAB President Carol Panko, President Elect Dacia Johnson, and the CSAVR President and Director Steve Wooderson. Mr. Trapp said he was concerned about an executive order that President Trump recently issued that was to limit the ability of federal agencies to issue guidance statements instead of more formal regulations, saying he was concerned it might delay the flexibilities.

Mr. O’Brien asked what kind of flexibility might be provided, and Mr. Trapp said that agencies might be given permission to spend Pre-ETS funds on items such as tuition, computers, and transportation, items that are not solidly set in statute.

Mr. Trapp said that he has asked Mr. Salas to leave the NCSAB conference early to return to New Mexico for the Legislative Finance Committee hearing on October 31. Mr. Trapp said that he thought that it would be more important for him to remain in Jacksonville where he can continue to work on the critical Pre-ETS issue. Mr. Trapp said that he is watching the Federal budget very closely, but that he thinks there will be an agreement on a continuing resolution to fund the Federal government. Mr. Trapp said that there is great animosity and discord, but that Congress has no desire for a shutdown during an election year. Mr. Trapp said that they would watch closely the budget negotiations, and make sure to make draws as current as possible should it look like there might be a shutdown.

Mr. Trapp said that the state is needing to submit a new Combined State Plan, which is due on April 1st. Mr. Trapp said that this requires that the Commission conduct public meetings throughout the state to gather comments on the policies and procedures of the agency. He said that he conducted the first two public meetings last Thursday and Friday in Hobbs and Clovis. He said that there will be more items on the agenda about the State Plan. Mr. Trapp said that the Council has a number of responsibilities with the plan, including helping to develop the Goals and Priorities that are submitted as a part of the Combined State Plan.

Mr. Trapp said that the Capital Outlay Hearing was held on October 17, and that it went well. He said that the apartments are fully funded, but that there is a delay over the architectural drawings.

Mr. Trapp said that the agency is in the midst of completing its audit, saying that by law the audit remains confidential until it is released by the Office of the State Auditor. Mr. Trapp said that the audit deadlines have been moved up, and that it is due November 1. Mr. Trapp said that the Commission will be conducting its exit conference on Wednesday. Mr. Trapp said that he is looking forward to another good audit.

Mr. Trapp talked about the agency budget request, saying that the agency was requesting additional state revenues. He said that this was due to the reduced Federal funds available because of Pre-ETS, as well as salary increases. Mr. Trapp said that salary increases are not fully funded and that the agency only gets 21.3 percent of the cost of salary increases. He said this is because of the presumption that 78.7 percent of the cost of the salary increases can be paid with Federal funds. Mr. Trapp said that this presumption was not accurate, and that the agency cannot use the vocational rehabilitation funds to pay for the cost of independent living teachers, as well as a portion of the administrative costs paid for under the Cost Allocation Plan. Mr. Trapp said that there are also a fixed amount of Federal funds that can be drawn down, while at the same time costs of providing services are increasing. He said that this creates an erosive effect over time.

Mr. O’Brien asked how much additional state revenue the agency was seeking, and Mr. Trapp responded that the agency was asking for approximately another $500,000.

Ms. Montoya-Cordova asked how much state revenue the Commission would need to be brought to the point before the cuts, and Mr. Trapp responded that about $100,000 would bring the agency to the point it was at before the state budget crunch, but that the impact of the 15 percent Pre-ETS reserve has meant that the agency has less money to fund independent living and vocational rehabilitation.

b. Administration and Finance, Kevin Romero

Mr. Romero called in to the meeting, and reported that the agency has 15 vacancies, but that the agency has received lists from SPO for five positions and is working on filling those positions. He said that he is currently reviewing the FFY 19 Basic Support grant, calculating what if any carryover the agency may have. Mr. Romero said the agency has spent about half of the Pre-ETS reserve for Federal Fiscal Year 19, and that he thinks the agency will be able to spend all of the FFY19 Pre-ETS reserve. He said that the Commission will have only a single year to spend the FFY20 Pre-ETS reserve.

Mr. Romero reported that he was working on Federal reports, including the RSA 2 and RSA 425. He said that the Cost Allocation Plan Certification Deadline is October 30. Mr. Romero reported that all of AWARE payments will go directly into SHARE. Mr. Romero said that the agency is working on implementing a fitness policy, making sure that it is in compliance with 2 CFR Part 200.437.

Mr. O'Brien asked what was the fitness policy, and Mr. Trapp responded that it was part of an Executive Order issued by Governor Lujan Grisham, and that employees could receive up to two hours per week of administrative leave to engage in qualifying fitness activities. Mr. Trapp said that they hoped to implement sometime in November.

Mr. Trapp said that the agency has gone live with the Combo Codes, and that it will help avoid the need to maintain two different systems for tracking time. He said that it should help the agency spend more of the Pre-ETS funds. Mr. Trapp thanked Kevin for working on the Combo Codes, and Kelly for helping to pioneer the Combo Codes.

There was additional discussion on Pre-ETS, and Mr. Trapp said that it was a state requirement. Ms. Martinez asked if the agency could hire someone to help with Pre-ETS, and Mr. Trapp said that part of the problem is that it takes more regular dollars to spend the Pre-ETS funds, and that much or most of the salary of the person hired would not be Pre-ETS.

Mr. O'Brien said that 42 agencies were in an Order of Selection, and that the Pre-ETS requirement has created a kind of death spiral.

Mr. O'Brien decided at this time to go to item "d" under 12, New Business.

12. New Business

b. Presentation on Combined State Plan Process and Goals, Yolanda Montoya-Cordova

Ms. Montoya-Cordova said that they are working on a 4-year plan, and that one of the goals was to learn as much as they can about the partner agencies. She said that they were inserting themselves in lots of meetings. She said that they cannot operate without a strong VR system, and that VR is a required partner along with Wagner-Peyser, Adult Dislocated Worker, and Adult Literacy. She said that the Combined State Plan also included Temporary Assistance to Needy Families and Supplemental Nutrition Assistance Program.

Ms. Montoya-Cordova said that the partners will meet on November 1, and will talk about gaps, and will have presentation about labor markets and statistics. She said that they are planning four town halls, and that the purpose is to get community members to provide feedback on goals. She said that the State Workforce Development Board is also involved, and that they will be meeting on Wednesday. She said that they are working on common goals, metrics, and how to proceed, and also with the local boards.

Mr. O'Brien asked about the required partners, and if they had their own state plans, and Ms. Montoya-Cordova said that each required partner must submit their own plan.

There was additional discussion about the town halls, with Ms. Montoya-Cordova saying the town hall meetings would be facilitated. Ms. Montoya-Cordova also discussed the One-Stop centers, saying how difficult it was to find a location that would permit partner co-location.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas introduced Ms. Louise Lopez as the agency’s newest counselor. Ms. Lopez described her background working with teens, saying she is really excited to be at the Commission and looking forward to the change.

Mr. Salas said he will be interviewing for the Farmington and Las Vega VR counselor position, and the vacant Las Cruces Blindness Skills Instructor position. Mr. Salas said that the Commission has the RSA 2, RSA 15, the 7OB, and 704 reports that will be due.

Mr. Salas reported that 23 persons were closed in integrated and competitive employment for the Federal Fiscal Year, with none in self-employment. He said that the average wage was $16.47 per hour. For the State Fiscal Year, Mr. Salas reported that 6 persons were placed in integrated and competitive employment, with none in self-employment. He said that the average wage was $19.36 per hour. He said that 27 persons were in employment status.

Mr. O’Brien asked about assistive technology on the IL side, saying he remembered that the Commission purchased technology in bulk, asking if there was separate funding for that. Mr. Salas responded that the Commission had received a special appropriation for the initial purchase of video magnifiers, but that the agency has continued to make smaller bulk purchases.

d. Orientation Center, Lucy Mallahan

Ms. Mallahan reported by phone, saying that the Center currently has 9 students, and currently no waiting list. She said that the Center has four tours scheduled. She said that she expects to have 13 to 14 students at the Center in November. She reported that Andre Davis completed his training and assumed his duties as a Blindness Skills Instructor co-teaching personal management and technology.

Ms. Mallahan reported that the surveyors for the Commission on Accreditation of Rehabilitation Facilities, or CARF, were there on Thursday and Friday of last week, and that she anticipates receiving the results of the visit in 4 to 6 weeks.

Mr. Trapp said that CARF had 994 standards that they applied to rehabilitation programs for persons who are blind or visually impaired, saying that Lucy and her team did a great job, and that the process seemed more arduous than before.

Ms. Mallahan said that the reviewers had been responsible for CARF accreditation for the agencies that they worked for, and that they were the experts of the experts. She said that it was a valuable process, and that it helps them to follow the applicable standards.

Ms. Livingstone asked if all blind centers had CARF, and Ms. Mallahan replied that they did not, and that only the Orientation Center in New Mexico had both NBPCB and CARF. She said that Alabama also wants to pursue both.

Ms. Livingstone asked if the Center could access more funds because of having CARF, and Mr. Trapp said that the Commission did not get more funds, but that having CARF would help to reduce risk and avoid the potential fiscal harm of a lawsuit. Mr. Trapp said that the one lawsuit that was filed had been relatively quickly dismissed, but that it resulted in increased Risk Management rates for 5 years, and that the cost of those increased rates was over $500,000. Ms. Mallahan said that under CARF they had a plan and procedure for minimizing risk, and that they annually review those plans. She said the plans include weather disaster and emergency, as well as technology.

e. Skills Center, Kelly Burma

Ms. Burma reported that the Skills Center is currently serving 2 students who are adults, and one pre-ETS eligible student, and that her employees are serving an additional four Pre-ETS eligible students outside of the Skills Center. She said she is planning for a Unified English Braille seminar and National Certification in Unified English Braille test in early to late spring of next year.

11. Unfinished Business

a. Update on Proposal to Revise Commission for the Blind Act to Expand Board to Five Members, Repeal Registry of Blind Persons, and Modify Language Specifying How Legal Blindness is Determined, Greg Trapp

Mr. Trapp said that he met in the Governor’s office on October 1 to talk about amending the Commission for the Blind Act. Mr. Trapp said that the Commission board is currently only three persons. He said that he would like to expand it to five persons and require that a majority of members be blind. He said that he believes that New Mexico is the only state that has both a Commission and an SRC. He said that having an expanded Commission and a majority of blind members would mean that the SRC would not be necessary. Mr. Trapp said he would also like to repeal the registry of blind persons, and expand the types of medical professionals who could determine legal blindness. Mr. Trapp said that only fiscal bills are germane to the short session, so he is asking that the amendments be placed on the Governor's call. Mr. Trapp said that having the SRC in place is taking up a great deal of agency staff and financial resources, and that the state plan process would be much easier if the agency was acting as an independent commission. He estimated that maintaining the SRC requires 70 staff days per year, and that doing away with the SRC would free up time for himself and other agency employees. He said he is also thinking of succession planning, and the need to make things easier for his successors. Mr. Trapp said that the SRC would need to continue for at least another nine months.

Mr. O'Brien asked about the registry, and Mr. Trapp said that he would point to the case management system as the register. Mr. Trapp also said that the Commission could right now function as an independent commission since it has a majority of blind members, but that there was no margin of error since if one of the blind members resigned, there would no longer be a majority of blind members.

Mr. Salas mentioned the potential for also creating an advisory body, and Mr. Trapp said that the agency would have the authority to do that through a rule making process.

Ms. Lansing asked about the staff time for the advisory body, and Mr. Trapp said that it would be much less because it would not be subject to the Open Meetings Act.

Mr. Trapp concluded by saying that the Council was very valuable, but that the increasing regulatory burden makes having both the Commission and council extremely difficult.

b. Status of Pre-Employment Transition Services, Greg Trapp and Jim Salas

Mr. Salas reported on Pre-ETS, saying that next week is going to be a very important time with respect to flexibilities. He said he is hoping to be able to use Pre-ETS to pay for college tuition, pay for the balance of any tuition not covered by comparable benefits. He said that the Commission has spent half of its Pre-ETS obligation because of the contract with CREC and NMSBVI. Mr. Salas said he is hoping that the executive order against issuing guidance will not hurt us. Mr. Salas said it is costing us more regular VR dollars to provide Pre-ETS services, and Ms. Burma said that the agency needs to provide the authorized Services in order to provide the Required Services, and that the Commission can provide Authorized Services as a result of its forecasting.

Mr. Trapp said that many agencies have had to go on to an Order of Selection as a result of Pre-ETS, and that he is expecting the number of agencies with waiting lists to increase as monitoring causes the Feds to discover unallowable Pre-ETS spending.

12. New Business

a. Approval of Council Annual Report for Federal Fiscal Year 2019, Greg Trapp

Mr. Trapp said that he wants to use the current report template, updating it with new numbers and pictures, and to hone the language for preciseness and consistency. Mr. Trapp said that it is due to the Feds on December 29, 2019. He said that he wants to contract out the production of the printed report. Mr. Trapp said that he is seeking a motion to approve, and to give the Executive Committee the authority to make technical and other minor changes.

Ms. Lansing moved to approve the annual report as described, and Mr. Luttrell seconded the motion.

Mr. O’Brien asked about Pre-ETS, and Mr. Trapp said he would revise the report to include a description of some of the issues presented by Pre-ETS such as the impact on adult services since fewer dollars are available to serve adults, and on the impact on transitioning youth since fewer regular VR dollars are also available to serve certain needs of youth.

Ms. Lansing agreed to amend her motion to include the authority for the Executive Committee to make technical and other minor changes, and Mr. Luttrell agreed to amend his second. A vote was taken, and the motion passed unanimously.

b. Presentation on Combined State Plan Process and Goals, Yolanda Montoya-Cordova

This item was heard earlier, being taken at 11:30 AM

c. Discussion of Commission for the Blind Portion of the Combined State Plan, Greg Trapp and Jim Salas

Mr. Trapp said that the Council has an important role in the development of the State Plan, and that the Commission was currently in the process of conducting public meetings on the Commission’s portion of the Combined State Plan. He said that the Commission must conduct public meetings throughout the state anytime the Commission adopts new policies or procedures to give the public an opportunity to comment on the policies or procedures. Mr. Trapp said that the Council works with the agency to develop the Goals and Priorities, and the Council is to also provide recommendations and input into the State Plan. Mr. Trapp said that the Combined State Plan is due April 1.

Mr. O'Brien said it was very valuable having Ms. Montoya Cordova at the meeting.

d. Discussion of Agency Goals and Priorities, Kelly Burma

Ms. Burma said that she would read each Goal and Priority, and follow that with Council comment and discussion.

a. Enhance the number and quality of employment outcomes by partnering and working with community colleges and One-Stop centers to more effectively utilize services available through the Adult Education and Family Literacy Act, Adult, Dislocated Worker, Youth, and Wagner-Peyser programs.

Ms. Burma said that this is a mandatory activity designed to satisfy the partnering requirements of the Workforce Innovation and Opportunity Act. There were no comments from the Council regarding the goal.

b. Enhance the number and quality of employment outcomes by working cooperatively with the New Mexico Department of Health so as to develop opportunities for competitive and integrated employment for persons who are blind or visually impaired, which will be accomplished by working in partnership with the Medical Assistance Division, Developmental Disabilities Supports Division, and the Behavioral Health Services Division.

Ms. Burma said that this is another mandatory activity under WIOA. There were no comments from the Council regarding the goal.

c. Enhance the number and quality of employment outcomes by using the Orientation Center to provide employment preparation training for adults and transition students, including through the addition of an apartment training facility to be constructed adjacent to the Center. The proposed apartment facility will increase the capacity of the Orientation Center, will provide more realistic training, will eliminate the need to rent costly and less appropriate private apartments, and will reduce the number of instances in which costly out-of-state training will be necessary to meet the needs of consumers.

There were no comments from the Council on this goal.

d. Increase the number of consumers served through enhanced Outreach Activities; including media outreach, use of paid advertising, through increased collaboration with ophthalmologists and optometrists, and through the use of the Technology for Children program to conduct outreach to school districts.

The Council suggested that the Commission use paid advertising. Mr. Trapp said that once advertisements are paid for broadcasters will not provide any public service announcements. He added that it is now more difficult to get public service announcements, so paid advertisements may be the only practical option.

e. Enhance the number and quality of employment outcomes of transition consumers by providing enhanced Pre-Employment Transition Services, including assistive technology where appropriate as a part of an Individualized Plan for Employment, providing assistive technology through the Technology for Children program, by conducting increased outreach activities, by conducting educational activities to meet the specific needs of transition students, and by increasing proficient of Braille and Braille math.

There were no Council comments regarding this goal.

f. Enhance the number and quality of employment outcomes achieved by consumers by providing services in a way that genuinely honors the "informed choice" provisions of the Rehabilitation Act, enabling Commission consumers to have the opportunity to obtain employment at higher levels of compensation.

There were no Council comments regarding this Goal and Priority.

g. Enhanced the number and quality of employment outcomes achieved by consumers by providing a quality and expanding Newsline system that gives consumers access to employment listings, business news, and other important information, including through both local Newsline and through NFB-Newsline.

Mr. Trapp said that the agency has a significant investment in providing Newsline, including one full-time coordinator, one support employee who works 80 percent, and one employee who works less than half time. If the Commission was not a separate agency, it is very likely we would not have the quality Newsline program that now exists.

Ms. Lansing asked how many new people per week or month sign up for Newsline, and Mr. Salas replied that he is having his independent living teachers demonstrating Newsline more, that he has added a monthly report.

h. Enhance the number and quality of employment outcomes by innovatively using the Skills Center to meet the needs of vocational rehabilitation and consumers and potential vocational rehabilitation consumers, including using it for provision of services to transition students.

There were no Council comments regarding this Goal.

i. Enhance the number and quality of employment outcomes through the provision of independent living training to vocational rehabilitation consumers, including through the proposed apartment training facility at the Orientation Center.

Mr. Trapp said that the agency only uses the Orientation Center for vocational rehabilitation consumers. Mr. Trapp said that this goal was adopted prior to the Pre-ETS requirement, and that the negative fiscal impact of Pre-ETS has meant that there are no extra vocational rehabilitation funds available to pay for the independent living teachers to serve vocational rehabilitation consumers.

Mr. Trapp suggested that we add a goal focused on serving the aging workforce. He said that the Strategic Plan was changed this year to include a recent survey that reported that 25% of workers say that they never expect to retire, and that another 25 percent of workers report that they expect to work beyond the age of 65. Mr. Trapp added that 3.5 percent of the population over 65 is legally blind.

Ms. Livingstone asked if there was anything about recreation.

Mr. Trapp responded that recreation would need to be relevant to the attaining of an employment outcome.

Ms. Ellis said that exercise has been shown to have a positive impact on mental and physical health.

Mr. Trapp responded by saying that a third of the population is obese, and that 60 to 70% are overweight. He said that these numbers are even higher for people who are blind or visually impaired. He said that he thought it would be appropriate to add a goal if it could be reframed from recreation and focused toward health and wellness.

Mr. O’Brien asked about soft skills, saying he sees the lack of soft skills as an impediment to employment. He said it is very important how a person is able to conduct his or herself and go through an interview.

Mr. Trapp said that the Commission provides training in soft Skills at the Orientation Center and at the Skills Center.

Mr. Salas said that soft skills are a crucial part of job readiness, and Ms. Mallahan said it was part of a holistic approach to rehabilitation.

Mr. Trapp said that they would create a new goal focused around the provision of training in the area of soft skills.

Mr. Trapp added that another goal that could be added might be to recruit, hire, and retain additional Vocational Rehabilitation counselors.

e. Discussion of Orientation Center Policies on Harassment, Admission, and Social Media, Greg Trapp and Lucy Mallahan

Ms. Mallahan said that CARF wants the Orientation Center to adopt a Policy on Harassment. The goal is to make sure that students are treated with dignity and respect, and to state that harassment of any form will not be tolerated. She said that the policy needs to include procedures for filing an internal harassment claim, and that the policy identifies the people to whom complaints can be made. Mr. Trapp said that the policy should also include protections based on gender identity and sexual orientation. He said that the policy would need to go out for public meetings.

Ms. Mallahan said that the Orientation Center also needs to adopt an admissions policy that will establish a fair and appropriate process and criteria for admissions, and one which will provide anti-discrimination provisions for persons in protected categories. Ms. Mallahan said that the Center needed certain levels of ability, such as the ability to take medicines without supervision, the ability to take care of basic hygiene and personal care needs, the ability to participate in training and activities, and to independently make decisions with regard to finances and social activities. For persons who are not their own guardian, consider admission on a case by case basis, with consideration of the ability to also learn and apply alternative techniques to living independently, the need and ability to benefit from Center training, and the ability to independently and safely dispose of sharps.

Ms. Mallahan discussed the need for a social media policy, saying it should provide guidelines for staff who are engaged in on-line social networking, would include personal time using personal devices, be sensitive to protected categories, and rights under the union contract. For instance, the policy could prohibit staff from friending or accepting friend requests from current students, and former students under 18.

Mr. Trapp said that he would also like to consider adding a three to six month waiting period before a staff member could friend or accept a friend request from a former student, even if that student was over 18.

Ms. Lansing said it was common that students who are in a training center would be fragile or sensitive in this area.

Ms. Burma said she was considering adding a social media curriculum for the Skills Center, and it would include information about what they post about their own disabilities, and the disabilities of their friends. She said that having a Facebook or social media page has the potential of unintentionally creating public records.

Ms. Ellis said that she saw that the Orientation Center has a Facebook page, and Ms. Mallahan responded it was a location page and that the Center took control of the location page and that they added an admin to the page.

f. Council Membership, Tom O'Brien and Greg Trapp

Mr. Trapp said that the Council needs additional members who are blind to make sure that the Council meets the statutory requirement to have a majority of blind members. Mr. Trapp said he is working with the Governor’s office to get additional appointments, including reappointment of Paula Seanez and Coby Livingstone.

Mr. Luttrell asked if there was an upper limit of membership, and Mr. Trapp responded that the minimum to be fully constituted was 16, but that there is not an upper limit on membership. Mr. Trapp said that the membership can go over 16 if it is needed to make the blind majority, or to make a quorum.

g. Designation of Council Member Capacity, Tom O'Brien

Mr. Trapp said that under the Council bylaws, the Governor will appoint members to the Council, but the Council will designate the category that the member will fill. He said that this allows the Council to remain as small as possible since members can easily be moved to different positions when doing so will help the Council to make a quorum or meet the requirement for a majority of blind members. The current members were designated to fill the following positions:

Bernadine Chavez: Representing Client Assistance Program (CAP)

Paul Luttrell: Representing Community Rehabilitation Programs

Lila Martinez: Representing Parent Training and Information Center

Yolanda Montoya-Cordova: Representing State Workforce Development Board

Tom O’Brien: Representing Business, Industry and Labor

Urja Lansing: Representing Disability Advocacy Group Representing Individuals who are Blind

Kaitlin Ellis: Current or Former Recipients of Vocational Rehabilitation

Greg Trapp: Director of Designated State Unit

Vacant: Representing 121 Project American Indian Vocational Rehabilitation

Vacant: Representing Statewide Independent Living Council

Vacant: Qualified Vocational Rehabilitation Counselor

Vacant: Representing State Educational Agency

Vacant: Representing Individual who is Blind with Multiple Disabilities

Vacant: Representing Business, Industry and Labor

Vacant: Representing Business, Industry and Labor

Vacant: Representing Business, Industry and Labor

13. Council Open Discussion

There was no Council open discussion.

14. Audience and Public Comments

There were no audience or public comments.

15. Date and Location of Next Meeting

Mr. Trapp said that the meeting schedule would depend on the State Plan submission process. He said that they were talking about setting up a joint meeting with the State Workforce Development Board and the two SRCs. He said the meeting was tentatively set for December 5 in Albuquerque, but that the meeting was not certain. The next SRC meeting was set for February 4 in Albuquerque starting at 9:00 AM, and in Alamogordo on March 10 and 11, starting at 1:30 PM on the 10th, and resuming at 9:00 AM on the 11th.

16. Adjourn

Mr. O’Brien adjourned the meeting at 4:25 PM.

APPROVED THIS 16th DAY OF DECEMBER, 2019:

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Thomas P. O’Brien, Chair

State Rehabilitation Council

Commission for the Blind

Attachments: 2019 White Cane Proclamation from Governor Lujan Grisham

Attachments: 121 Project Report from Paula Seanez

STATE OF NEW MEXICO EXECUTIVE OFFICE SANTA FE, NEW MEXICO

Proclamation

WHEREAS, the model white cane law was originally written by Dr. Jacobus Tenbroek, a distinguished professor of law and the first president of the National Federation of the Blind; and

 WHEREAS, New Mexico enacted a white cane law in 1967, becoming the first state in the nation to adopt the model white cane law; and

  WHEREAS, the white cane law declares that it is the policy of the state to encourage and enable persons who are blind, visually impaired or who have other physical disabilities

to participate fully in the social and economic life of the state, and to engage in remunerative employment and

 WHEREAS, the white cane law gives persons who are blind, visually impaired or who have other physical disabilities the same rights as all citizens to the full and free use of the streets,

highways, sidewalks, walkways, public buildings, public facilities and other public places; and

 WHEREAS, the white cane law gives persons who are blind, visually impaired or who have other physical disabilities full and equal accommodations, advantages, facilities and privileges

of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, any other public conveyances or modes of transportation, hotels, lodging places,

places of public accommodation, amusement or resort, and any other places to which the general public is invited; and

 WHEREAS, the white cane law requires that drivers shall take all necessary precautions to avoid injury to pedestrians who are using a white cane or a guide dog;

 NOW THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, do hereby proclaim October 15th, 2019, as

 "WHITE CANE SAFETY DAY"

throughout the state of New Mexico.

 Attest:   Done at the Executive Office this 24th day of September, 2019.

SIGNATURE

 Maggie Toulouse Oliver

Secretary of State

Witness my hand and the Great Seal

of the State of New Mexico.

SIGNATURE

Michelle Lujan Grisham

Governor

**AIVRS UPDATES**

**NM COMMISSION FOR THE BLIND SRC MEETING**

**October 21, 2019**

* 47 AIVRS Programs competed this year for grant funding from RSA. 44 were funded. That means 3 AIVRS programs did not receive grant funding and they will have to find other resources for their consumers. Unfortunately, those 3 programs are in states who are on an order of selection so most of the consumers will not be able to be served by VR. The 3 programs that were not funded will be able to reapply next year.
* Navajo Nation VR, Jemez VR program and Laguna-Acoma Connections received their Grant Award Notification for 2019-20 funding year on September 30, 2019. The Navajo Nation program is in its fourth year of funding and is fully staffed with the exception of a Rehabilitation Technician in Tuba City, Arizona.
* Laguna-Acoma Connections is out of Order of Selection. Since the Order of Selection we have lost a number of clients that did not want to wait for services. Staff is ready to do outreach to the community.
* Annual reports are being prepared for submittal to federal RSA. The Jemez Vocational Rehabilitation Program exceeded all of its goals and objectives for FY19 with a successful closure rate of 73%.
* The Jemez VR Program contracted with NM DVR July 1, 2019 to provide Project H.O.P.E. (Hands On Preparation & Experience) for students that included training in Pre-ETs. This collaborative Project is up and running and functioning extremely well. We have 10 students in the Project. The students finished orientation the second week of September and stepped into their internships the third week of September. They are all placed in 10 different locations with 10 different businesses. The businesses include: Dion’s, T & T Supermarket, Pueblo of Santa Ana Tribal Programs, Pueblo of Zia Tribal Programs, Pueblo of Jemez Education Department, Pueblo of Jemez Library, Pueblo of Jemez Welcome Center, Pueblo of Jemez Public Health Program, Pueblo of Jemez IT Department, Walatowa Head Start, and Walatowa Charter School. It has been exciting to watch the students learn and grow in just one month through their job assignments.
* The Annual CANAR (Consortia of Administrators in Native American Rehabilitation) Conference will be held December 2-5, 2019 in New Orleans, Louisiana. NM DVR staff member, Charlene Chavez, and JVR staff member, Yolanda Toya, will be doing a presentation on Project HOPE for Youth.
* The Navajo Nation Advisory Council on Disability will be hosting an Awareness Walk to the Navajo Nation Council Chambers Fall session. The walk is scheduled for Monday, October 21, 2019 at 8:00 am. The Navajo Nation radio station (KTNN-660) will be available for a live-remote broadcast for advisory council members, consumers and the general public to comment on needs and services.
* The Navajo Nation and Jemez VR program directors continue to serve on the University of Montana, Research and Training Center on Disability in Rural Communities (RTC:Rural) Self-employment advisory board to advise on the development of a tool kit specific for American Indian VR program staff.