

New Mexico Commission for the Blind

State Rehabilitation Council

FINAL MINUTES

Regular Meeting

October 22, 2018, 9:00 AM

Commission for the Blind
2200 Yale Blvd SE
Albuquerque, NM 87106

1. Call to Order

Chairman O'Brien called the meeting to order at 9:05 AM.

2. Roll Call and Introduction of New Members

Roll was taken, and present were Bernadine Chavez, Kaity Ellis, (by phone), Urja Lansing, Coby Livingstone, Lila Martinez, Tom O'Brien, and Greg Trapp. Paula Seanez joined the meeting later. Not present were Lucy Birbiglia, Christine Hall, and Yolanda Montoya-Cordova. Mr. Trapp said that Paul Luttrell's appointment had expired, but that he was expecting him to be reappointed.

3. Introduction of Guests and Staff

Staff present included Jim Salas, Deputy Director; Kelly Burma, Skills Center Coordinator; and Trish Adams, Executive Secretary.

4. Approval of Agenda

Ms. Livingstone moved to approve the agenda, and Ms. Lansing seconded the motion. Mr. Trapp asked that the dormitory schedule item be moved up on the agenda to accommodate Ms. Mallahan's schedule. A vote was taken and the agenda approved unanimously.

5. Approval of Minutes of Meeting of September 18, 2018

Ms. Lansing moved to approve the minutes, and Ms. Ellis seconded the motion. A vote was taken and the agenda approved. Ms. Chavez abstained.

6. Chair Report, Tom O'Brien

Mr. O'Brien said he appreciated the members making the effort to attend meetings, but that he would still like to have better participation. He said that he understood that work schedules can interfere with attendance.

7. Election of Officers

Mr. O'Brien passed the chairmanship to Ms. Martinez to conduct the election for Chair. Ms. Chavez nominated Mr. O'Brien for Chair, and Ms. Livingstone seconded the motion. After other nominations were solicited, Ms. Lansing moved to elect Mr. O'Brien by acclamation, and Ms. Ellis seconded. A vote was taken and Mr. O'Brien was unanimously elected by acclamation.

The chairmanship was passed back to Mr. O'Brien, who asked for nominations for Vice-Chair. Ms. Chavez nominated Ms. Lansing, and Mr. O'Brien seconded. Nominations were solicited, and Ms. Ellis moved that nominations cease and Ms. Lansing be elected by acclamation. Ms. Martinez seconded. A vote was taken and Ms. Lansing was unanimously elected by acclamation.

Mr. O'Brien asked for nominations for the position of Secretary. Ms. Lansing nominated Ms. Livingston, and Ms. Ellis seconded. After nominations were solicited, Ms. Lansing moved that nominations cease and that Ms. Livingstone be elected by acclamation, and Ms. Martinez seconded. A vote was taken, and Ms. Livingstone was unanimously elected by acclamation.

Mr. O'Brien asked for nominations for the position of Executive Committee position one. Ms. Chavez nominated Ms. Martinez, and Mr. O'Brien seconded. After nominations were solicited, Ms. Lansing moved that nominations cease and that Ms. Martinez be elected by acclamation, and Ms. Ellis seconded. A vote was taken, and Ms. Martinez was unanimously elected by acclamation.

Mr. O'Brien asked for nominations for the position of Executive Committee position two. Mr. O'Brien nominated Ms. Ellis and Ms. Chavez seconded. After nominations were solicited, Ms. Lansing moved that nominations cease and that Ms. Ellis be elected by acclamation, and Ms. Martinez seconded. A vote was taken and Ms. Ellis was unanimously elected by acclamation.

8. Client Assistance Program Report, Bernadine Chavez

Ms. Chavez said that they had two inquiries in the quarter, one of which was the lack of a counselor in Farmington, and another person wanting to attend a particular program. Ms. Chavez reported that there was nothing pending.

Mr. O'Brien thanked Ms. Chavez for the part she played on the Council and for helping with the joint training. Mr. O'Brien said that there were 25 people at the training.

Mr. Trapp thanked Mr. O'Brien and Ms. Chavez for helping to put together the training, saying that he thought it was very successful. Mr. Trapp thanked Ms. Burma for hosting the training at the Skills Center, and he said that he thought that Mr. Kreienkamp did an excellent job of presenting on the Open Meetings Act.

Ms. Chavez said that these types of events would not take place without the leadership of the Commission.

Mr. Trapp said that he considers the Council to be a valuable resource, and that all of the members bring a valuable knowledge and perspectives to the Council.

9. Section 121 Report, Paula Seanez

Ms. Seanez arrived later.

10. SILC Report, Coby Livingstone

Ms. Livingstone gave the SILC report, saying that Ms. Rebecca Holland was the SILC Chair, and that the SILC does not yet have a coordinator. She said that the SILC had three forums, including in Roswell, at the San Juan Center, and at Jemez.

At this time (9:48 AM) Ms. Seanez joined the meeting. She said it was the third year of the grant for the Navajo Nation. She said that there were about 500 tribes across the nation competing for 86 or 87 grants. She reported that the CANAR conference was set for Scottsdale, Arizona, November 10 to 13.

11. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp said that the Legislative Finance Committee hearing was set for October 25, and that it would be at the Roundhouse in Room 307, starting at 1:30 PM. He said that the agency was requesting an additional \$200,000. He said that the reason was the impact of Pre-Employment Transition Services, or Pre-ETS. He said that he estimates that the negative fiscal impact on the agency is about \$500,000.

Mr. O'Brien asked where the implementation of Pre-ETS went wrong, and if it was due to the federal regulations?

Mr. Trapp said that the difficulty was based on a miscalculation on the part of Congress, and the overly restrictive definitions adopted by the Rehabilitation Services

Administration. Mr. Trapp said that Congressional staffers have maintained that the intent was to push services towards youth, even if that meant that adults would not be served. He said that he would be meeting with the new Assistant Secretary of Education on October 25 during the fall meeting of the Council of State Administrators of Vocational Rehabilitation, and that one of the purposes would be to ask about receiving greater flexibility with respect to the regulations.

Mr. Trapp said that RSA has reorganized, and has gone from five to four units. He said that the reorganization was due to funding and staff reductions. He said that the new liaison for New Mexico was Samuel Pierre.

Ms. Ellis disconnected at this point.

The Council discussed the election and the pending change of administrations in Santa Fe. There was also discussion of the possibility of revising the Commission for the Blind Act. Ms. Chavez talked about the removal of boards and councils during the Richardson administration, and the difficulty that it created.

b. Administration and Finance, Kevin Romero

Mr. Trapp said that Mr. Romero was not able to make the meeting, and that he would be giving the administration and finance report. Mr. Trapp said that the agency was still waiting to receive the Federal Fiscal Year 19 grant. He said that the Santa Fe office is currently working on the Audit, and that the Exit interview will be tomorrow. He also said that the agency has submitted a request budget asking for an additional \$200,000 in General Fund.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas said that he and Audrey are working with the State Personnel Office to address accessibility concerns with the Oracle software system that is used for the state application process. He said that the software was supposed to be accessible, but that the state customized the application, which has created accessibility issues and delayed posting of several positions. Mr. Salas said that the current vacancies include three counselor positions, the technology manager, and an Albuquerque secretary.

Mr. Salas reported that for Federal Fiscal Year 18, 12 individuals had been placed in competitive employment and three in self-employment, for a total of 15. He said that the average hourly wage was \$18.97. He said that for the State Fiscal Year, one person had been placed in competitive employment, and that 32 persons were in employment status.

d. Orientation Center, Lucy Mallahan

Ms. Mallahan reported that there were nine students at the Orientation Center, and that four tours were scheduled for November and December.

Ms. Mallahan reported on the White Cane walk that is being held in conjunction with the National Federation of the Blind of Alamogordo and the New Mexico School for the Blind and Visually Impaired, saying that the mayor declared October 15 as White Cane Day.

Ms. Mallahan reported that a Blindness Skills Instructor position was posted, and that it was an Assistive Technology / Personal Management position.

Ms. Mallahan said that she had attempted to make it to the Infrastructure Capital Improvement hearing in Santa Fe on October 4, but that the hearing started early. She reported that the Orientation Center was built in 1946, and that the dormitory was built in 1962. Ms. Mallahan described the work that has been completed, and that still needs to be done. She said that skylights and windows have been replaced, and that the windows in the older section of the dorm will be replaced later.

Ms. Livingstone asked what the capacity of the Center was, and Ms. Mallahan said that the capacity of the Center was ten students.

The Council then moved to agenda number 13. Unfinished Business, item a. Update on Changing Orientation Center Dormitory Staffing from 24 Hours a Day to a Schedule that Does Not Include Overnight Coverage.

Mr. Trapp began by saying that the agency was complying with the agency collective bargaining agreement with respect to schedules, and that they would need to complete that process before the schedule change could be implemented.

Ms. Mallahan said that it was a wonderful idea, and that they would select a student leader.

e. Skills Center, Kelly Burma

Ms. Burma described the students being served at the Skills Center, including Pre-ETS students. She said that the Skills Center is currently serving three students, including one Pre-ETS. She said she had five employees attended the tactile graphics conference in Baltimore that was sponsored by the National Federation of the Blind. She said she was working on the potentially eligible services in AWARE.

12. New Business

a. Approval of State Rehabilitation Council Annual Report, Greg Trapp

Mr. Trapp said that the report is due December 29. He said that he wants to use the template that has been used in recent years, with new numbers inserted as needed. He said that he would like to give the Executive Committee the authority to make any final minor or other technical adjustments. He said that the version that was sent to the Council had the places where new numbers were needed marked with an "xxx."

Ms. Lansing moved to approve the annual report, giving the Executive Committee the authority to make minor changes and technical adjustments. Ms. Livingstone seconded the motion. A vote was taken and the report approved. Ms. Chavez abstained.

b. Pre-Employment Transition Services Forecast, Ability of Agency to Provide Required, Authorized, and Coordination Services, Greg Trapp and Jim Salas

Mr. Trapp said that the agency was required to provide the required services before the agency can provide the authorized services. He said that the agency had been spending the Federal Fiscal Year 17 Pre-ETS funds, and that as of September 30 they had only been able to spend \$436,000 of the \$710,000 in Pre-ETS funds that were available with the FFY17 grant. He said that the agency was in Federal Fiscal Year 19, and was now in the carryover year for the FFY18 grant. He said that there were 69 Pre-ETS eligible students age 14 to 21, and approximately 390 students K to 12 that would be eligible for Commission services. He said that the 390 figure is based on the child find results and the American Community Survey. Given all of this information, the Commission forecasted that the agency would have enough Pre-ETS funds to provide the required and coordination services to all eligible students residing in New Mexico.

c. Requirement to Notify Governor of Travel Reimbursements for Council Members that Exceed \$1,500, Greg Trapp

Mr. Trapp explained the audit rule requiring that the agency head be notified of employee travel that is in excess of \$1,500 per year, and that the Governor be notified of the travel of agency heads and public officials appointed by the Governor that is above \$1,500 in a calendar year.

13. Unfinished Business

a. Update on Changing Orientation Center Dormitory Staffing from 24 Hours a Day to a Schedule that Does Not Include Overnight Coverage, Lucy Mallahan

Mr. Trapp noted that this item was discussed earlier in the meeting.

b. Discussion of Governmental Services Agreement with the New Mexico School for the Blind and Visually Impaired, Greg Trapp

Mr. Trapp said that he had not been pushing to get the agreement in place since he was waiting for more detailed guidance from the Rehabilitation Services Administration. He said that he was hoping that RSA would provide more flexibility to spend Pre-ETS funds.

c. Update on Comprehensive Statewide Assessment, Greg Trapp and Jim Salas

Mr. Trapp said that there is a disconnect between the state plan schedule under the Workforce Innovation and Opportunity Act, and the state plan schedule that they had been following as a part of the Workforce Investment Act. He said that the state plan submitted under WIOA took place earlier than would have been the case under WIA, and that the WIOA state plan deadline did not give the agency time to conduct a comprehensive statewide needs assessment that would have allowed for it to have been completed prior to the state plan deadline, which was initially March 15, 2018, and then extended to April 2, 2018. Mr. Trapp said that under the prior schedule the agency would now be starting to work on the state plan and comprehensive statewide needs assessment. Mr. Trapp said that he planned to have everything ready at the next meeting.

Mr. O'Brien asked when it might be completed, and Mr. Trapp said in February, and possibly January if they pushed hard to get it completed.

d. Update on the Requirement for Prior Federal Approval for Certain Costs, Greg Trapp

Mr. Trapp said that the prior approval issue is very complex, and that he had not anticipated how quickly the agency would spend its Federal Fiscal Year 18 grant, and that as a result they did not have as much carryover as has been the case in prior years. He also said that the slowness in the feds getting out the FFY19 grant has meant that they have had to spend FFY18 funds that he had planned on carrying over and using for costs for which prior approval was required and had been received. Mr. Trapp said that the agency will be submitting new prior approval requests that are tied to the FFY19 grant.

e. Update on Federal Report ETA 9169, Greg Trapp and Jim Salas

Mr. Trapp reported on the Employment Training Administration 9169 report, saying that it had been submitted on time. He said that the agency had requested and received an extension until October 15 to submit the report, which was done in conjunction with DVR.

f. Update on Impartial Due Process Hearing Officers, Greg Trapp and Jim Salas

Mr. Trapp said that the Council had approved hearing officers in May, and that the agency wants to provide special training that is related to blindness. He said that he had been concerned that the DVR Order of Selection would increase the number of hearing requests and potentially impact on the Commission's access to hearing officers, but that has so far not been the case.

14. Council Open Discussion

Ms. Chavez reported on Disability Awareness Day at the legislature. She said it would be in February. She also reported on voting asking that anyone who encounters problems in voting to contact Disability Rights New Mexico.

Mr. O'Brien encouraged the members to vote, and he discussed his experience with the accessible absentee ballot.

Ms. Burma said she would be presenting for Creating Options on November 14 on the iPhone

Ms. Seanez reported that Carol Green will be doing a breakout session at the CANAR conference on the Navajo Braille code.

15. Audience and Public Comments

There were no audience or public comments.

16. Date and Location of Next Meeting

The next meeting was set for February 11, 2019, at the Santa Fe office, starting at 9:30 AM. The following meeting was set for the Orientation Center in Alamogordo, on May 15 and 16.

17. Adjourn

Mr. O'Brien adjourned the meeting at approximately 2:15 PM.



Date: February 11, 2019

Thomas P. O'Brien
Chairman