

WV DEVELOPMENTAL DISABILITIES COUNCIL  
Quarterly Meeting  
January 22, 2013  
Charleston Town Center Marriott  
Charleston, WV

MINUTES

Members Present: Brent Bush, Kathy Butler, Stefanie Caldwell, Jonathon Chaffin, Joyce Church, Deborah Davis, Patricia Elliott, Clarice Hausch, Amber Hinkle, Betty Holliday, Ann Hubbs, Kelly Miller, Beth Morrison, Christina Mullins, Patricia Nisbet, Clark Queen, Jerry Ramsey, Robert Roswall, Tara Roush, Jon Sassi, Tina Tanner, Stacey Thomas, and Melvin West.

Members Absent: Greg Bilonick, Sarah Brown, Robert Cain, Janice Holland, Jane McCallister, Richard Perry, Karen Ruddle, and LuAnn Summers.

Staff present: Christy Black, Jim Cremeans, Linda Higgs, and Steve Wiseman.

Guests: Harry Bostic (WV DRS), Keith Dalton, RESA II (WVDE), and Gloria Sage (Autism Training Center).

**Call to Order, Welcome:** Stacey Thomas, Chairperson, called the meeting to order.

**Introductions and Announcements:** Beth Morrison announced that planning is underway for a statewide cross-disability behavioral health conference September 17-19. Beth said she is seeking ideas for an I/DD track or workshop. Steve has recommended that Jo Massarelli, SRV (Social Role Valorization) Implementation Project, be contacted about training on vulnerability and social roles. Steve thanked Beth for including the DD Council in planning for the conference. Beth said that Council Members who have training ideas can contact her or Steve. Clarice announced that WVA is sponsoring another Wrightslaw "Boot Camp" April 16-17 on special education law, parent and student advocacy. The training will take place at the Charleston Holiday Inn and Suites. Clarice thanked the Council for its \$9,000 contribution and support of the training.

**Mission Statement Reminder:** Betty Holiday read the Council's Mission Statement.

**Public Comments:** There were none.

**Approval of the October 23, 2012 Meeting Minutes:** Joyce moved and Stefanie seconded the motion to approve the Minutes with minor edits. **Motion carried.**

**Appointment of Nominating Committee Members:** Stacey said that the Committee meets two to three times to review the application for any needed changes, to look at the types and numbers of vacancies to be filled, and to review applications received. Outgoing Council Members are Richard Perry and Bob Cain. Steve said that the Committee works to keep balance in terms of geography and numbers of parents and persons with developmental disabilities. Stacey said that the Governor's Office has strongly encouraged the Council to recruit at least two (2) people from the southern part of the State. Greg Bilonick, Stefanie Caldwell, Kelly Miller, and Beth Morrison have agreed to serve on the Nominating Committee. It is staffed by Steve Wiseman and Linda Higgs.

**Legislative Update:** Christy said that the Legislature convenes on February 13<sup>th</sup> for 60 day session, with adjournment scheduled for midnight, Saturday, April 13, 2013. Christy said that she will be monitoring legislative issues throughout the session. Christy asked Members to review the WV DD Council 2013 Legislative Statements in the packets. She said that she will be handing out the Legislative Statements to legislators and advocacy groups.

Christy reported that Delegate Meshea Poore is particularly outraged and alarmed that the State Code (Article 16: "Sterilization of Mental Defectives") still allows for the forced sterilization of persons declared mentally incompetent. Christy said that Delegate Poore has stated that the removal of the sterilization language in State Code should be a priority. Delegate Poore is a member of the House Health and Judiciary Committees. Christy said that a Bill has been drafted by Senator Stollings' Counsel to repeal the offensive section of State law. The Bill was approved by the Joint Health Committee during the January interims.

Another serious and urgent legislative issue concerns the lack of home based ventilator care accessible to adults who rely on Medicaid. This includes several people who have developmental disabilities. Christy said that Medicaid will only provide ventilator care services for people up to age 21 who are I/DD Waiver recipients. Steve stated that many people are sent to Ohio nursing care facilities in order to receive life sustaining ventilator and tracheotomy care services. Christy said that Delegate Fleischauer has shown interest in the ventilator issue and wants more information.

Brent asked what alternatives are available for people with developmental disabilities in West Virginia who require ventilator care. Clarice said that only acute care hospitals are legally licensed to provide the services. Clarice also said that people who have to go out of state for ventilator care often become residents of those states, making it difficult to return home. Ann expressed concerns about people who reside in ICF/ID (group home) facilities potentially losing their placements if they have to be out of the facility for medical reasons. Pat said that people in ICF/IDs have a three week per year visitation assurance and will not lose their placement. Pat announced that a new ICF/ID procedural manual was made available for public comment. The new Manual went into effect on Jan 1<sup>st</sup>.

**Partners in Policymaking Update:** Christy said that the Council is seeking applicants for the 2013 PIP program which is held every other year. The leadership focused training sessions will start this September and end in May 2014 with a graduation ceremony. Christy reported that she has received six or seven applications. PIP is targeted for adults with developmental disabilities and parents of young children with developmental disabilities. She encouraged Members to contact her with any information about people interested in the training.

**2013 Grants and Appointments:** Steve stated that final approval for FFY 2013 grants (8) have been seriously delayed by the WV DHHR grants management processes. Steve said that the Council has never experienced such a delay since he has been Executive Director. He said that other State agencies have also experienced delays in grant processing. Steve reported that Council grantees are cooperating with the delays, although some have concerns about making payrolls and carrying out the projects.

Steve mentioned that the new Members nominated last April were just recently appointed by the Governor. The Governor's office has specifically requested the Council to seek new Members from southern counties to fill upcoming vacancies.

**WV DOE Policy 4373 Implementation:** Keith Dalton, Wellness Specialist, RESA II (Regional Education Service Agency) in Huntington spoke to the Members about implementation of Policy 4373: Expected Behavior in Safe and Supportive Schools. Keith said that the Policy (effective July 1, 2012) combines five (5) outdated policies related to safety issues for all students and personnel. The Policy provides guidelines for staff training, discipline, behavior support, anti-bullying strategies, and emergency procedures including physical restraint. The Policy directs County Boards of Education to develop and approve local school safety policies and procedures. Keith said that full implementation of the Policy is expected to take 3-5 years.

Keith said a major focus of planning is supporting students in developing relationships, social and interpersonal skills. He said that school counselors play an important role (although funding for those positions are being cut) in working with students, parents, and teachers in addressing the needs of students. Keith emphasized that students have a right to feel safe, and schools have a responsibility for creating a positive learning environment.

Keith said that the WV Department of Education (WVDE) is emphasizing the value and need for school-wide positive behavior support (PBS) practices. He also said that a major focus is the prevention of bullying and suggested that Members go to the WVDE website to learn about an anti-bullying project It Does Matter. Keith also said that a bullying prevention task force has been formed. Steve and Jim suggested that staff from the Step by Step, Inc. "Stand Up to Bullying" Project participate in the task force. Keith said that new training will be developed for teachers to address bullying and behavior support.

**Positive Behavior Support in the Schools:** Gloria Sage, PBS Trainer, Autism Training Center, Marshall University presented an overview of Positive Behavior Support (PBS) philosophy and methods. Gloria also provided

Members with information about services available to schools, teachers, parents, and students by staff from the Autism Training Center.

Gloria said that PBS evolved from Applied Behavior Analysis (ABA), a more clinical model for addressing challenging behaviors. PBS uses key tools from ABA (e.g. Functional Behavior Analysis) within a larger context: address valued social roles; teach new skills; strengthen relationships; and recognize and act on personal preferences. PBS methods are person-centered and work to identify why behaviors are occurring (environment, people, teaching methods, etc.) not only to stop inappropriate behavior.

Gloria discussed two person-centered planning formats for developing PBS plans: PATH (Planning Alternative Tomorrows with Hope) and MAP (Making Action Plans). Gloria said that the PATH process takes 2-2 ½ hours while the MAP tool is shorter, taking 60-90 minutes to complete. Both planning methods are highly individualized and strength based. Planning teams include not only teachers and other professionals but the focus person, his or her family, and peers. The approach creates a team (and circle of support) that knows and cares about the individual and his or her dreams and personal goals.

### **New Business**

**PBS Network Request for Designated Stipend Funds:** Linda said that the Council received a request for \$1,000 in stipend funds from Carol Newlon, WVU Center for Excellence in Disabilities in support of an upcoming PBS Network conference: “Building a Culture of Positive Behavior Support” this spring. Funds will be used to support the attendance of persons with developmental disabilities and/or family members. Ann moved and Joyce seconded the motion to approve the funds. **Motion carried.**

### **Workgroup Reports**

**Employment First:** Jon reported for the Employment First Workgroup. The workgroup last met on December 14, 2012. Jon said the workgroup has identified several key areas to focus on this year: support/training focused on raising expectations; re-aligning funds and incentives that support integrated work; collecting reliable information about the status of employment of persons with developmental disabilities; addressing the lack of benefits training available; and sponsoring or supporting demonstration projects. Jon

said that the WV DDC workgroup continues to receive support and technical assistance from National APSE.

**Abuse Prevention:** Ann reported for the Abuse Prevention Workgroup. The workgroup last met on November 19, 2012. Ann said that the focus of the workgroup centers on: parent support and training; self-protection training for people with developmental disabilities; tracking and collecting information about the incidence of abuse; and learning from other states and model programs. Ann said that the group will also monitor implementation of WV DE Policy 4373 and anti-bullying efforts in the schools.

### **Update on Council Projects**

**Parent Advocacy Guide:** Steve and Clarice reported on the status of the Parent Advocacy Guide to Special Education. Steve said that final edits should be completed in February and at least 1,000 copies will be mailed to parents statewide. Steve said that the feedback will be requested from 250 parents who use the Guide on its usefulness. Clarice said that writing an easy to read guide for parents on special education policies is a big challenge. The Guide must be accurate, clear and comprehensive.

**Estate Planning Video:** Steve said that technical problems remain with the closed captioning narrative used in the video. Steve said that he is working with the contractor to work out the problems.

**Upcoming Training Events:** Linda reported that Dohn Hoyle, Executive Director of the Arc of Michigan, will present the training "Alternatives to Guardianship" in three locations around the State May 14-17. Linda said that the previous "Alternatives to Guardianship" trainings were the most well received of all Council trainings in recent years.

**Council Member and Staff Activity:** Staff and Members were paired to discuss common interests, hobbies, and other issues. Each pair reported to the Membership. It was an enjoyable exercise that gave Members an opportunity to learn more about each other.

**Member Concerns or Information:** Pat said that the revised I/DD Waiver Manual was issued January 1<sup>st</sup>. Pat also reported that the I/DD Waiver program will be releasing 40 slots on February 1<sup>st</sup> and 37 more on March 1<sup>st</sup>,

2013. Pat said that 55 more slots will be made available July 1. She said that 100 new slots must be made available by State Fiscal Year 2014 to comply with a court order. There are currently 713 people on the I/DD Waiver waitlist. (**NOTE:** At the April 23 meeting, Pat clarified that the *Benjamin H.* order includes two different dates for compliance. Therefore, there may not be 100 new slots, but all those who have received letters telling them they will be entering the program will have a slot. The total number of slots that will be made available is not known.)

**Completion of Feedback Forms:** Stacey reminded Members to complete the Feedback forms prior to leaving.

**Adjournment:** Clark moved and Melvin seconded the motion to adjourn.