

Governor's Council on Blindness and Visual Impairment (GCBVI)
Legislative and Public Policy Committee Meeting Minutes
March 6, 2017

Members Present

Amy Porterfield, Chair*
Bob Kresmer*
Ted Chittenden*
Donald Porterfield*
Larry Wanger*
Ed House*
Rich Sorey*

Members Absent

Staff Present

Lindsey Powers, Admin Asst.
*Teleconferenced

Guests Present

Call to Order and Introductions

Amy Porterfield, Chair, called the meeting to order at 1:00 pm in the RSA Conference Room, Phoenix, AZ. Introductions were made and a quorum was present.

Amy Porterfield stated the Legislative and Public Policy Committee was reconvening to review relevant legislation in Arizona or federal legislation that could impact state level legislation. Ms. Porterfield stated the committee would review public policy related to Rehabilitation Services Administration (RSA), the Arizona Department of Education, and any other policies relevant to blind Arizonans.

Amy Porterfield summarized that RSA recently underwent a Sunset Audit. Ed House stated in the past, the agency would undergo Sunset Audits through a small regulatory body, which would determine whether a program or portion of a program should continue. Amy Porterfield stated Workforce Innovation and Opportunity Act (WIOA) changed the way in which RSA reported Vocational Rehabilitation (VR) statistics when it eliminated the rehabilitation rate statistic. Amy Porterfield stated RSA began tracking metrics such as the time spent receiving services, the eligibility timeliness compliance rate, the number of clients placed, the average client wages received, and sustained employment. She stated previously, VR counselors would place clients in Status 24, the status for individuals that were not

successful due to health related issues, instead of closing the cases unsuccessful. Amy Porterfield stated then RSA cleaned up the client cases, and closed the client cases in Status 24, which lowered the rehabilitation rate considerably. She noted the Sunset Audit findings indicated that RSA spent three times as much on client case costs compared to other comparable VR programs, and had the lowest rehabilitation rate. Amy Porterfield stated RSA was then prompted to develop cost saving measures and accountability measures for success. Amy Porterfield stated Henry Darwin, the Interim Department of Economic Security (DES) Director was currently reviewing DES processes in order to eliminate unnecessary processes that slowed down staff time. Amy Porterfield stated the Executive Committee met with Kristen Mackey, RSA Administrator, and Rich Sorey, Services for the Blind Visually Impaired and Deaf (SBVID) Program Manager regarding the Service Threshold document. Amy Porterfield stated Kristen Mackey was instructed to develop the document to act as a guidance tool for new staff when selecting services for clients, and would not require a supervisor's approval. Amy Porterfield noted the Executive Committee recommended that blindness services be separated out in the document for greater accuracy in service costs.

Post-Secondary Policy Discussion

Amy Porterfield stated as a follow up to the public meetings that were held in November 2016, the Arizona Rehabilitation Services Administration has amended the Vocational Rehabilitation policy regarding post-secondary training. The policy has been restructured for clarity and the following major amendments were made:

Former Policy

VR will only pay published in-state tuition rates based on the cost of the public institution nearest to the client which has a comparable program that meets the requirements of the approved vocational goal.

New Policy

VR will only pay published in-state tuition rates based on the rate of the public institution with the lowest cost that is within commuting distance of the client (50 miles one way).

Former Policy

Policy exception required in cases where a private institution better meets the disability-related needs of the client, or if a comparable program at a public institution that meets the requirements of the approved vocational goal is not available.

New Policy

Policy exception required in cases where the client's disability related needs, and/or requirements of the approved employment goal preclude attending the public institution with the lowest cost that is within commuting distance of the client.

Former Policy

Alternative educational institutions that meet the client's disability related needs, and/or requirements of the approved employment goal must be considered in order of cost (lowest cost option must be considered first)
No identified limit for vocational/occupational training.

New Policy

VR will support one occupational/vocational training leading to a recognized certification or credential.

Ed House inquired whether RSA would pay for a client to attend an institution farther than 50 miles. Amy Porterfield stated she would request clarification regarding the commuting policy. Ed House stated a counselor's philosophical goal was to determine whether a client would benefit from attending a community college, a four-year university, or graduate school within 50 miles of their residence, or needed to go more than 50 miles because of the nature of their vocational goal. Mr. House inquired whether if this policy or some other policy should insure that the educational goal was consistent with the client's vocational goal. Amy Porterfield stated that issue was likely addressed when a client was identifying his or her vocational goals and would consult labor market statistics regarding that position. Bob Kresmer noted the document did indicate the number of education hours that VR would pay for, although the hours did not go beyond a Master's degree. Amy Porterfield stated she would inquire regarding graduate level degrees, which would be required for some client vocational goals. Amy Porterfield stated the Legislative and Public Policy Committee would also be interested in reviewing the current VR Policy Manual, which might include some information regarding educational goals. Bob Kresmer noted some students would not be able to pass the prerequisite math classes in order to enroll in community colleges or universities and inquired whether the Post-Secondary Policy addressed the needs of students with additional disabilities in addition to blindness. Amy Porterfield stated she would inquire regarding the costs for pre-college credits that some students would need prior to entering higher education. Mr. Kresmer noted Rich Sorey had experience working for other state VR programs, and inquired how the supported education and youth supported programs compared to other states. Rich Sorey stated the other states he worked for did not have the contracts that Arizona did. Mr. Sorey stated the Arizona VR program did allow for client

choice, which was an advantage for clients when choosing which services or vendors to work with.

GCBVI Committee Review and Discussion

This item was tabled.

Current Blindness Related Legislation Discussion

Amy Porterfield stated she met with Senator Kate Brophy McGee, who was working on Legislation for SB 1317 that indicated that general education teachers should be responsible for providing the core subject instruction. Ms. Porterfield stated that general education teachers felt overwhelmed with having to provide instruction to all students, and special education teachers felt the legislation would render their positions obsolete. She stated that Senator McGee did not intend to undermine special education teachers, and intended to allow all students to be integrated and not self-contained in different classes. Amy Porterfield stated Kate Brophy McGee would develop the language that would mirror Individuals with Disabilities Education Act (IDEA) and encourage school districts to put students in the least restrictive environments. Amy Porterfield stated she would meet with Dawn Wallace, Governor's Office of Education, to discuss the language further. Donald Porterfield stated the legislation language was somewhat vague, which could be detrimental to any bill.

Larry Wanger stated SB 1198 supported by Senator John Kavanagh, which would allow a cure period in which businesses would have 60 days to resolve accessibility issues, or 90 days if the business had less than 15 employees. Mr. Wanger stated the bill would prevent individuals from obtaining medical services for 60 days. Larry Wanger stated he reached out to the Governor's office and had not received a response regarding the bill, although his understanding was that the Governor approved of the bill. Amy Porterfield stated she would contact Christina Corieri, Policy Advisor to the Governor regarding the bill. Larry Wanger stated HB 2504 took steps to eliminate bad actors, and allowed judges to take certain actions to dismiss cases. Amy Porterfield stated the council could not advocate dismissing a bill that the Governor supported, although she could request to know the Governor's position on the bills.

Amy Porterfield stated the National Federation of the Blind of Arizona (NFBAz) held their Phoenix Seminar. Ms. Porterfield stated the NFBAz supported \$192,000 in funding to be allocated from the telephone tax for Support Service Providers (SSP), which currently resided within the Arizona Commission for the Deaf and Hard of Hearing (ACDHH). Amy Porterfield

stated the NFBAz also supported the blind parents' rights to parent and the Aim High Act, which supported accessible educational materials in higher education. Amy Porterfield stated the GCBVI could support any resolutions supported by the Governor's office. Bob Kresmer stated the NFBAz could create resolutions independent of the Governor's office. Amy Porterfield stated she would inquire regarding SB 1198, HB 2504, and SB 1317.

Arizona Regulation Rollback Discussion

Amy Porterfield stated Interim DES Director, Henry Darwin, contacted the GCBVI to identify any DES laws, policies, and processes that could be removed to streamline VR processes. Amy Porterfield inquired whether Rich Sorey was aware of the analysis that RSA used to determine the steps or processes to remove. Rich Sorey stated RSA began the Value Stream Mapping process began in December, where the agency reviewed all of the processes in order to identify the processes that were working, and the processes that were not working. Rich Sorey stated RSA was reviewing current processes in order to streamline processes and eliminate unnecessary steps. Amy Porterfield inquired whether RSA was utilizing data in order to determine unnecessary steps, or whether the agency was using past experience to streamline processes. Rich Sorey stated RSA was interested in streamlining staff time spent on tasks, and was reviewing those processes. Ms. Porterfield inquired whether RSA was obtaining the information through self-reports. Rich Sorey stated RSA received information through self-reports. He noted that RSA leadership was also comparing the current case management system with the future case management system in order to identify streamlining measures. Mr. Sorey stated RSA would also need to train new supervisors and counselors to ensure that staff had the information they needed to perform their jobs effectively. Amy Porterfield stated her understanding that RSA had eliminated the tours as part of the Introduction to Blindness training for new VR clients. Rich Sorey stated clients could still take tours of different organizations, although RSA would not include that in the Introduction to Blindness training. Amy Porterfield noted that RSA would expend more energy arranging for transportation for clients one at a time, rather than sending all clients on a group tour of different organizations. Rich Sorey stated RSA received feedback from staff and clients and would conduct Client Satisfaction Surveys in order to continue to receive feedback.

Ed House inquired whether the regulation rollback referred to internal regulations. Amy Porterfield stated the regulation rollback referred to internal Arizona DES regulations. Ed House stated each department such as RSA and the Business Enterprise Program (BEP), had different regulations and policies. Mr. House noted typically, RSA had current policies, as well as

policies that were under review. Amy Porterfield inquired whether Rich Sorey would be able to distribute the current VR Manual, and VR policies to the committee. Rich Sorey stated he would obtain that information and submit to the committee. Ted Chittenden inquired whether VR created regulations independent of federal regulations. Ed House stated all regulations would receive approvals from DES, the Arizona Department of Administration (ADOA), and the Attorney General's office. He stated the state regulations implemented the federal regulations and state law. Rich Sorey stated the state was required to implement the federal regulations for the different programs such the VR and BEP programs. Rich Sorey noted the state would interpret those federal regulations on the state level. Amy Porterfield stated her understanding that Kristen Mackey would update RSA's policies to adhere to WIOA policies and inquired regarding that process. Rich Sorey stated RSA was currently updating policies to comply with WIOA policies. Amy Porterfield inquired whether RSA was in the process of updating regulations. Rich Sorey stated RSA would update the RSA Policy Manual and the regulations to adhere with WIOA regulations. Ed House stated regulations were typically approved in one to two years, whereas policies could be updated quickly. Ed House stated the committee could not recommend changes to policies that would go against the regulations. Ed House suggested the committee include a RSA staff member that could assist with interpreting the policies.

Amy Porterfield stated the committee would request the information to review and potentially develop workgroups to review the information. Ted Chittenden noted his understanding that Henry Darwin could only modify state policies and therefore the committee should only review state policies. Amy Porterfield stated the committee should be aware of the federal policies, such as WIOA, and not propose any state level policies that would be incongruent with WIOA. Amy Porterfield noted that Henry Darwin contacted Donald Porterfield and expressed interest in the GCBVI's feedback regarding state policies. Amy Porterfield inquired whether Rich Sorey would be able to access the current state policies and regulations. Rich Sorey stated he would obtain the information, although he noted some confusion with the layers of information. Rich Sorey stated the VR Policy Manual, for example, outlined the federal regulation, and the policies and procedures. Rich Sorey noted the state would interpret the federal regulations, and then a counselor would implement the steps necessary to adhere to the state regulations. Ed House stated in his previous experience, there was a policy manual for each program, such as VR and BEP, and current state regulations for each program, as well as separate regulations that had not been approved yet. Amy Porterfield suggested the committee collect the information and identify the methods for reviewing that information as well as procurement processes information. She noted the committee could

request assistance from RSA Policy staff to help interpret some policies, and divide the work among the committee members.

Amy Porterfield stated the Legislative and Public Policy Committee would need to develop methods for analyzing RSA processes. Ms. Porterfield stated counselors, administrators, and clients had historically indicated that the procurement process was overladen with steps and layers. She stated the Assistive Technology Committee, for example, was currently attempting to understand the procurement rules regarding subscription software verses purchasing the actual software. Amy Porterfield stated the committee could review the procurement process further to identify areas that could be streamlined. Ed House noted the committee could review the administrative activities and program activities in order to identify the necessary processes.

Ed House inquired whether the Legislative and Public Policy Committee would review the Sunset Audit findings. Amy Porterfield stated the Sunset Audit findings indicated that RSA needed to reduce client costs and increase successful closures. Ms. Porterfield stated she met with Kristen Mackey and Rich Sorey and discussed the methods for measuring statistics that would accurately reflect the rehabilitation statistics. Ed House stated the report should reflect whether the clients received the appropriate services. Amy Porterfield stated the committee could review the statistics as well, although Kristen Mackey indicated that RSA would review the methods for measuring accurate rehabilitation statistics.

Agenda and Date for Next Meeting

The next meeting of the Legislative and Public Policy Committee will be on March 13, 2017 in the RSA Conference Room, Phoenix, AZ. Agenda items are as follows:

- Policy Manuals Review and Discussion
 - Workgroup Development
- Policy/Legislative Discussion

Announcements

Ted Chittenden announced the Arizona Council of the Blind (AzCB) would hold their member meeting at the Arizona Council for the Blind and Visually Impaired (ACBVI) on April 22, 2017.

Public Comment

A call to the public was made with no responses forthcoming.

Adjournment of Meeting

Bob Kresmer moved to adjourn the meeting. Donald Porterfield seconded the motion. The meeting was adjourned at 2:30 pm.