

Indiana Statewide Independent Living Council (INSILC)
MINUTES 9/14/2016

September 14, 2016 --- 1:00-4:30 p.m.

Indiana Government Center South
Conference Center – Conference Room C
402 W. Washington Street, Indianapolis, Indiana 46204

INSILC Members Present: Peri Rogowski, Bill Fama, Chris Cleveland, Peter Ciancone, Thom Hayes, Bonnie Bomer, Cynthia Rockwell, Derek Deckman and Kevin Burk

INSILC Members Absent: Fred Vaiana and Erin Hall

Guests Present: Theresa Koleszar, Tonya Resler, and Amber O’Haver

- I. **Welcome and Call to Order:** Chris Cleveland called the meeting to order at 1:00 p.m.
- II. **Pledge of Allegiance:** INSILC Members and Guests recited the Pledge of Allegiance.
- III. **Roll Call:** Tonya Resler (Program Director, FSSA IL Services), Peri Rogowski (DSE liaison, Non-Voting Member), Bill Fama (Voting Member), Amber O’Haver (INSILC Executive Director), Chris Cleveland (Chairperson, Voting Member), Peter Ciancone (Treasurer, Voting Member), Thomas Hayes (State Agency Rep., Non-Voting Member), Bonnie Bomer (State Agency Rep., Non-Voting Member), Cynthia Rockwell (Voting Member), Derek Deckman (Voting Member), Kevin Burk (Voting Member)
- IV. **Additions to & Approval of the Agenda:** Chris Cleveland asked for a motion to approve an updated agenda, with the addition for a new Treasurer nomination for Council Member, Kevin Burk. A motion to approve the updated agenda with the addition was made by Cynthia Rockwell. The motion was seconded by Derek Deckman and the motion was passed.
- V. **Statement of the Chair:** Code of Conduct was read aloud to the Council and audience by Chairperson, Chris Cleveland. He reminded the public that there will be an opportunity for public comment at the end of the meeting. He reminded the council and public that the comments would be limited to five minutes and that the council does not have an obligation to respond to public comments. He noted that he can stop the clock for those asking questions to council members while they are receiving an answer.
- VI. **Approval of Minutes (8-10-16):** Chris Cleveland asked for a motion to approve the Minutes. A motion to approve the minutes was made by Kevin Burk. The motion was seconded by Cynthia Rockwell and the motion was passed.
- VII. **Treasurer’s Report:** Peter Ciancone gave the Treasurer’s Report and shared the balance sheet and profit and loss sheet statements for October 2015 to August 2016. He stated he was happy to answer any questions from Council Members. None were raised. Chris Cleveland asked for a motion to approve the Treasurer’s Report. Bill Fama made a motion to approve the Treasurer’s Report and Derek Deckman seconded the motion and the motion was passed.
- VIII. **Old Business**
 - A. **SPIL 2017-2019:** Chris Cleveland read aloud a letter he received from ACL-ILA that the Indiana SPIL 2017-2019 was approved. Chris Cleveland thanked everyone for all of their hard work and getting this SPIL completed in a short period of time. He noted it has been uncommon for a Council to not have requests made for adjustments to the SPIL by the federal administration and congratulated everyone again on their hard work.

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- B. Updated 501c3 Transition Timeline:** Amber O’Haver shared the timeline had recently been updated with more information on how the transition will work and asked if anyone had questions or needed any clarification about the adjustments. No questions were raised.
- C. 501c3 Plan of Amendment Agreement:** Chris Cleveland opened this topic up for discussion to the Council Members. No discussion or questions were raised. He then asked for a motion to approve the 501c3 Plan of Amendment Agreement. Bill Fama motioned to approve the 501c3 Plan of Amendment Agreement. Peter Ciancone seconded the motion and the motion was passed.
- D. Funding Formula Update:** Amber O’Haver updated the Council on the Funding Formula Report for IL in Indiana. She stated feedback had been received that raised concerns about the lack of the count of individuals in institutions not being incorporated in the report in the past. She agreed this concern had merit particularly because of the new IL mandated 5th core-service of Transition and spoke with Patricia Yeager and Associates, the vendor approved by the Council to produce the Funding Formula Report, to ensure this count would be included. She also mentioned the updated report is timely considering the current State Medicaid Director’s new emphasis on Rebalancing which is good as Indiana is quite weak in this area. Derek Deckman for elaboration on Indiana being weak and Amber shared that Indiana ranks 48th in the country on its Medicaid spending on home and community based services, meaning a significant amount of Medicaid funds are going toward care of people with disabilities in institutional-settings, such as, nursing homes.
- E. SILC Congress Conference (January 17-20, 2017):** Amber O’Haver reiterated the dates of the conference are January 17th-20th and shared that both she and Cynthia Rockwell have been approved to attend. She encouraged anyone else that was interested in attending, noting the great opportunity to connect with other SILCs, to fill out the conference request form in their expense reimbursement workbook and return it to Chis Cleveland and her as soon as possible as the State has to approve the out of state travel and needs around 90 days to do so. Chris Cleveland noted that he is trying to work out attending.
- F. INSILC Training (Beginning October – 11:30 a.m.):** Amber O’Haver shared that Council trainings will begin in October and occur just prior to their Council meetings at 11:30 a.m. Amber explained the training will be newer and older, voting and non-voting Council Members. The trainings will take place in the Indiana Gov Center South and she will notify the Council of the meeting room once arranged. Chris Cleveland commented on the importance of these trainings as they are a young council and is hopeful that the trainings will help them get up to speed.

IX. New Business

- A. INSILC Retreat (Dates Selection):** Amber O’Haver provided two sets of dates on a Friday/Saturday for the INSILC Retreat (January 27th & 28th or February 10th & 11th) and asked the Council to determine which set of dates they wanted. She noted that she recognizes it’s tough for Members to take time off during the week because of job commitments, so she arranged the INSILC Retreat to take place on a Friday/Saturday. Chris Cleveland added that Retreat attendance was mandatory by ALL Council Members, voting and non-voting. The Council consensus was that January 27th & 28th worked best and Chris Cleveland asked for a motion to approve these January dates for their INSILC

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retreat. Kevin Burk motioned to approve January 27th & 28th for the INSILC Retreat. Peter Ciancone seconded the motion and the motion was passed. Derek Deckman asked a follow-up question as to the Retreat location. Amber O'Haver responded that while nothing is confirmed yet, she was offered free space earlier in the week at the newly-remodeled Indiana Disability Rights space and said this would save the Council several thousand dollars because they wouldn't need to pay for event/meeting space or on any required catering costs allowing the Council to arrange for much less expensive food/beverage options.

- B. INSILC Responses to Inquiries:** Chris Cleveland stated that INSILC has had many recent public inquiries for information and shared that responses to these inquiries have been sent via email to the requester parties earlier in the day. He added that the Council was cc:'d on all the responses via email.
- C. CIL Update Information Inquiry:** Amber O'Haver explained to the Council that she has heard from a few Center Directors inquiring as to what might the Council like to hear from the CIL Directors regarding their Centers and was to discuss this with the Council Members today. She provided the Council Members with some examples/ideas. This could be information on how centers are working toward SPIL goals, core services, conducting trainings, performing outreach, achieving advocacy efforts (individual and systems), etc. She commented she thought it would be great for the Council and Public to hear Consumer Success Stories directly from their consumers as she doesn't think folks hear enough about the great work Centers are really doing and impacting the lives of people with disabilities in their communities. Amber O'Haver also mentioned the idea of hearing about the obstacles and challenges (outside of funding) that Centers are experiencing. Chris Cleveland continued the discussion stating that he thinks this is a good way for the Council to learn about the Centers and help the Centers. Several Council Members thought those examples/ideas were good ones to let the Center Directors know. Derek Deckman asked if the Council could get organizational charts of each Center and a brief explanation of the roles and responsibilities of each employee working at each Center. He noted that he would like to see if there is consistency across the organizations and to better understand where there could be differences. Peter Ciancone noted that one of the hallmarks of the Centers for Independent Living is that they are grassroots organizations with different organizational charts, meeting different needs of different communities. He thought it would be an interesting study but stressed that each Center goes about their organizational chart in different ways. Amber O'Haver stated that she will request this information from the Center Directors. Bonnie Bomer wondered about the possibility of SILC members making visits to CILs citing that she just completed an ILRU Course on SILC Roles & Responsibilities and in the course training it suggested Councils Members visit the Centers. Amber O'Haver stated that if any Council Members were interested in doing this, she would be happy to help arrange a visit for them. Kevin Burk mentioned he attended a training that gave him the idea that he would like to sit down with the Centers and find out what the issues are in their areas.
- D. Uniform Guidance Training Information:** Amber O'Haver and Peri Rogowski recently took part in this ILRU Teleconference and that this was a good training but was very complex. She said that this is an area that a majority of SILCS struggle with understanding. Amber O'Haver explained that the Uniform Guidance replaces O.M.B.

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Circulars and the training provided a great deal of information on federal requirements about processes/procedures/best practices related procurement, spending of federal funds, etc. She also mentioned that the training highlighted that it is interesting that the SILCs are federally required to be independent and autonomous from the State, a lot of the Uniform Guidance requires SILCs to refer to their DSE about how they can/can't spend their funds by adhering to the direction their DSE instructs of them. Amber O'Haver shared that the ILRU Trainer commented that this is creating some autonomy confusion and they are looking to ACL to provide guidance on this issue for the future and that there will be a future training on the SILC/DSE role changes under WIOA.

- E. Treasurer Nomination:** Chris Cleveland stated Kevin Burk has been nominated to fill the Treasurer and asked for a motion to approve Kevin Burk as Treasurer. Derek motioned to approve Keven Burk as the new Treasurer for INSILC. Bill Fama seconded the motion and the motion passed.

X. Disability Hot Topics, Issues & Discussion

Amber O'Haver stated that there has been some discussion about providing information and education around important, timely, relevant topics in the IL movement and area of disability. Therefore, this section has been added to the agenda to address these. A few meetings ago, the Disability Integration Act (S. 2427), civil rights legislation introduced in 2015, was discussed amongst the Council. She noted that there are two other current hot topics she wanted to bring to the attention of the Council to discuss.

- A. Intersectionality:** Amber O'Haver stated that she understands this topic but that it is something she is still wrapping her head around how to explain. She shared that disability and other intersections of diversity like race, gender, etc. are all a part of a person's identity. This is important because organizations and leaders need to go out and find disabled people of color and other marginalized groups to be included in the Independent Living Movement. All aspects of a person's self, including disability need to be accepted and empowered. Disability isn't the only factor that comes into play. Disability is across all other groups of diversity and is only one layer of someone's identity. Centers/SILCs need to be tasked with how they are going to reach out to individuals of different races, cultures, and ethnic backgrounds to make sure they are serving ALL facets of people with disabilities and making a valiant effort to incorporate individuals with disabilities that also identify themselves as a part of other marginalized groups into their CILs as employees and leaders and as SILC Members. Amber O'Haver ended by stating that in the SPIL 2017-2019, a plan to conduct IL outreach to marginalized/minority groups is to be developed and wanted to begin this discussion with the Council and asked for input/suggestions or ideas on how the Council would like to see this start to be done. Bill Fama suggested starting by making INSILC more diverse. Amber O'Haver agreed and asked for ideas on how to do this with the SPIL. Peter Ciancone explained that the Centers have the capability to tracked this demographic-type data through their annual report. Amber O'Haver stated said that this is a topic she can also bring up with the INSILC Outreach Committee for ideas.

- B. ADA Notification Bill – HR 3765 (ADA Education & Reform Act of 2016):** Amber asked if anyone was familiar with the ADA Education and Reform Act of 2016 and asked if based on its name the Council thought it was a good or a bad Bill for people with disabilities. Cynthia Rockwell said that any time this current Congress reforms anything on individual rights it's not going to be good. Amber O'Haver explained that this Bill is not something

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that is positive for people with disabilities although it sounds like it might be. This is a series of notification Bills that target the ADA and attempt to put barriers in place that don't enforce the rights of people with disabilities. HB3765 prevents people from filing complaints against businesses until they have notified the business of the issue or problem. She further explained the harm in this is that the ADA has been in place for over 26 years and to expect someone with a disability, after 26 years of a law, to have to notify a business first is ridiculous. This gives businesses an excuse to not comply with the ADA, continues to segregate people with disabilities, and continues creating layers of discrimination. She further explained that the ADA already addressed this with the "readily achievable" language. If a business is not achieving the current standards but doesn't have the funding, the business can perform readily achievable steps to eventually come into compliance. Peter Ciancone commented that the WILL Center has been working with their Congressmen to understand what some of the implications are. He doesn't think that the Bill will be taken up this year and posed the question "Do we know if the President would sign this Bill if it passed and came to him?" noting that this would be the last line of defense. Cynthia Rockwell commented that she spent her career helping people with disabilities who are discriminated against in the work place and this Bill looks like a way to get around providing accommodations to people with disabilities and fire someone who has a disability in need of accommodations. Amber O'Haver noted that there are similar "Notification" issues going on in the Housing arena. Peri Rogowski noted that this gets to the systemic issue of Universal Design and how contractors are saying they won't build a home with Universal Design because it won't be as marketable to sell. This is a major barrier when we are trying to divert people from nursing homes to community based setting and there is nowhere accessible for anyone to go and until the housing situation is settled, it's going to continue to be a very challenging problem across the country. In Indiana we just have to keep fighting for access. Along the line of accessible (universal) housing, Amber O'Haver talked about the idea of visitability and the three features (1) One zero threshold entrance into the home, (2) an accessible bathroom on the ground floor (at least half-bath), and (3) door ways that are 33 inches wide. This is a movement (building concept) that neighboring states have put into law that applies to single-family private homes required to be built with at least the three visitability features. Peter Ciancone commented that visitability is a two-edge sword and asked, "What do you do if the one accessible entrance is for some reason blocked?" He has concerns that visitability is a half way measure that doesn't really address the whole problem and while he appreciates the visitability efforts, it doesn't do enough to address the entire issue of accessibility/universal design. Kevin Burk seconded Peter's concern about visitability not being enough and explained that in his county that they put together a form with emergency responders to try and help remedy some of this issue. The ADA emergency form details how to get someone out of their home if there are accessibility issues. Peter Ciancone noted that some counties in Indiana have a reverse 911 system but some folks are suspicious of giving their information to anyone associated with government but still encourages folks to participate as this gives information on the display about the person who is making the call.

XI. Updates, Reports, Comments

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- A. Executive Director Report:** Amber O’Haver provided her entire ED Report to the Council a few days earlier for the Council to review so only highlighted the continued efforts for the Governor’s Council for People with Disabilities Annual Conference (Dec. 5th & 6th). As was mentioned last month, their ED is on board with including an independent living track in the conference. She said that she has connected with the Deputy Director about what an independent living track might look like within their conference and has been providing ideas for sessions, speakers, etc. The first of the Conference will be geared toward people with disabilities, parents and caregivers. The second day would be a geared toward advocates/professionals.
- B. Peer Review Committee:** Bill Fama shared that there are not updates at this time.
- C. Outreach Committee:** Chris Cleveland shared that the next Outreach Committee meeting is tomorrow at accessABILITY at 2:00 p.m. They will review a draft for an RFQ to secure a Vendor for INSILC outreach/marketing efforts.
- D. SPIL (2017-2019) Committee:** Peter Ciancone noted that the next step is for the Council to discuss the implementation and monitoring of the newly approved SPIL 2017-2019. He said that he will initiate an email with Committee Members to get this started.
- E. Updates – DSE – Peri Rogowski:** Peri Rogowski shared information on Section 511 of WIOA. This Section addresses sub-minimum wage employment (sheltered workshops) of people with disabilities and requires that any Youth prior to going into a sub-minimum wage employment setting first receives information about competitive, integrated employment opportunities to assist them with determining if they could be good candidates for integrated, competitive employment as opposed to sub-minimum wage employment. Peri noted that often times individuals with I/DD were never given this type of information or opportunity. She provided details about DDRS Listening Sessions happening across the state and encouraged attendance and she’d re-share the information via email with the Council.
- F. Updates: Centers for Independent Living:**

 - a. ATTIC – Becky Anderson:** Becky Anderson shared their Center is working on their end of the year report (704) and participating/advocating in several case conferences with students. They are also working on a possible fee for services venture with USDA. With a group of volunteers, they have completed 12 ramps so far this year. Peter Ciancone inquired about the ramp required paperwork and how it’s getting completed. There will be an Open House at the end of October for the new ATTIC office/building and she will send out information.
 - b. Everybody Counts and Everybody Counts North – Teresa Torres:** Teresa Torres stated that one of their Centers’ greatest obstacles to success is the Council and their Centers’ goals is having a Council that is successful. She wants to make sure that Council Members know that Centers do not report to this Council and that they are governed by their federal funding source, not the Council. They want to make sure that new Council Members are trained. She continues with stating that her Board President wanted her to note that the responses to the inquiries they received this morning from the Council do not answer their questions. Teresa Torres wanted to know where the statistic about Indiana being the 48th state in Medicaid spending on HCBS is in the new State Plan. She also shared that Everybody Counts has an annual training to teach people about the Independent Living Movement and would be happy to have any Council Members interested

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to attend. Chris Cleveland then notified her that she had reached her 5 minute time limit but she continued to speak increasing the volume of her voice. He asked her to please stop but she refused and he asked security be brought in to have her removed from the meeting. She continued to still keep speaking now at an even louder volume. He continued to ask that she stop speaking. A few minutes later, an Indiana Gov Center security officer entered the room and Chris Cleveland requested he please remove Teresa Torres from the room and explained that he has repeatedly asked her to please stop speaking. At this point the security officer escorted her out of the room.

G. Updates: Other Agencies:

- a. **Indiana Disability Rights (IDR) – Bonnie Bomer:** Bonnie Bomer shared IDR has completed reviews/site visits of 33/34 sheltered workshops in the State and are developing a white paper on their findings that will be presented in October. IDR is still in the process of renovating their space and to move people back into the IDR office from home based offices. Amber O’Haver asked if she would share information about the quality of the ILRU course/training that she attended. She agreed stating that it was a 3-week web based course on the Roles and Responsibilities of the SILC and its functions, the IL history and the IL Movement. Her only negative was that it would have been nice to have some interactive dialog/discussion with other course participants but that overall it was a valuable learning experience.
- b. **Indiana Department of Transportation (INDOT) – Erin Hall:** Absent – No report.
- c. **Bureau of Developmental Disabilities Services (BDDS) – Thom Hayes:** Thom Hayes had no updates to share at this time.

H. Public Comments:

a. Rene Jackson—Lake County

- i. Rene Jackson commented she is happy to see new Council Members and urged them to read and learn about the IL movement emphasizing Council Members have a big responsibility speaking for the people with disabilities who cannot get to the INSILC meetings every month. She voiced her concerns regarding the INSILC meeting and asked that the Council consider a different location. She believes the current location in the Indiana Government Center is getting more and more challenging for someone with a mobility disability to get to the INSILC meetings. She ended with notifying the Council that the accessible door button by the security entrance hasn’t worked for months.
- ii. Rene Jackson (on behalf of Lorrell Kilpatrick – NW Indiana – whom could not attend due to a schedule conflict) Lorrell Kilpatrick drafted a letter which Rene Jackson read aloud to the Council. The letter thanked the INSILC/Tonya Resler for getting her in touch with her local Center for Independent Living. She had a question about the August INSILC Meeting Minutes. She noticed that in previous Meeting Minutes she was referred to by name but that she was not specified by name in the August INSILC Meeting Minutes. She requested having the August Meeting Minutes updated to include her name within the Public Comment section. She also asked if the Council would present information on and /discuss the

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topic of Intersectionality and how INSILC might address this issue. Lorrell Kilpatrick provided her email address at the bottom of the letter and asked to receive information about INSILC's progress on Intersectionality. Rene Jackson asked if she should/could hand over the hardcopy of the letter to Amber O'Haver. Amber O'Haver commented that it was unfortunate Lorrell Kilpatrick wasn't able to be at the meeting to hear the Council's discussion of Intersectionality.

- b. George Janiec — Lake County:** George Janiec stated he received the response to his INSILC inquiries today. He said that while he did get some answers, he did not get all of what he was looking for in regards to the INSILC expenditures for the 2016 NCIL Conference. He said he will re-focus his questions and re-submit his inquiries. In regards to the INSILC budget and financial reports, he commented that what was provided does not provide a clear picture of the INSILC financial activity and it would be beneficial for the public to see a monthly break down of performance in relation to being ahead of or behind budget. He also voiced if the Council is unexperienced, they should be seeking guidance from other successful SILCS. He ended with his concerns regarding the 501c3 situation.
- c. Kevin Burk (INSILC Council Member) – Washington County:** Kevin Burk referred to the Council Chair, Chris Cleveland, to inquire if he may ask a question. Chris Cleveland approved of this request. Kevin Burk stated that over the past two decades he assumes that Council Members (past/present) have had a lot of training and he doesn't quite understand the division amongst the Centers (and the Council) going on in the room with the NW Center. He stated that he has been on many other Boards and not seen/experienced the type of activity/drama that was exhibited at today's meeting. He commented that he means no disrespect and recognizes that the Council is trying to do its best to represent the IL & the Centers. Chris Cleveland responded to Kevin by suggesting that he talk to each Center and get their idea/clarification on the State of IL in Indiana to get the history and more information.
- i. Adjournment:** Chris Cleveland asked for a motion to adjourn. Cynthia Rockwell motioned to adjourn. Peter Ciancone seconded the motion and it was passed. The meeting was adjourned at 2:50 p.m. The next INSILC meeting is scheduled for October 12th from 1:00 p.m. – 4:30 p.m. in the Indiana Government Center South, Conference Room C.