



Governor's Commission on Disabilities Business Meeting

Monday November 17, 2008 5 – 7 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049

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Attendees:	John MacDonald (Chairperson); Cristina Amedeo; Jeanne Behie; Sharon Brinkworth; Frederick Burke; Rosemary Carmody; R. Timothy Flynn; Dr. Kate McCarthy-Barnett; Ronald McMinn; Bill Nieranowski; James Pitassi; Arthur Plitt; Lorna Ricci; Patricia Ryherd; & Linda Ward		
Excused:	Dr. Judith Drew; Katherine Lowe; Sanford Lupovitz; Lisa McKay; Rev. Gerard Sabourin; Lou Salerno; Nancy Thomas; & John Treat		
----- Minutes -----			
Call to Order and Acceptance of the Minutes	John J. MacDonald, Jr.	Acting Chairperson	5 min.
Introductions: Chair calls the meeting to order at 5:02 PM.			
MOTION: To accept the minutes of the previous meeting as presented RMcM/TF passed unanimously			
Action Items:	Discussion Leader:	Time:	
1. Adoption of the Commission's 2009 Legislative Package	Tim Flynn, Chairperson, Legislation Committee	50 min.	
Discussion: The Legislation Committee, after reviewing the testimony for the public forums and status of the 2008 Legislative Package recommends the adoption of the following, as the Commission's 2009 Legislative Package:			
1. Ensure implementation of the crisis intervention services for abused non-elderly adults (18-64) with severe impaired (Public Law 2006 Chapter 275 Assault on persons with severe impairments or mentally disabled - penalties - services for adult victims with severe impairments of abuse, neglect and/or exploitation) [formerly # 3];			
2. Mandate the purchase of accessible taxicabs – the Commission's legislation enacted in 2007 providing tax incentives to purchase accessible taxicabs has not resulted in the purchase of a single accessible taxicab;			
3. Ensure the continuation of RIPTA and RIdE service statewide;			
4. Monitor and respond to Medicaid Reform proposals to ensure maintenance of services to individuals with severe disabilities; and			
5. Support consolidation of school districts, to improve special education & transportation services			
The Legislation Committee recommends not including in the 2009 Legislative Package the following items that were not accomplished, in 2008:			

1. Extend governmental tort liability and legal representation to volunteer members of state boards and commissions when acting in their official capacity (reintroduction of 2007 H 5290 & 2007 S 0330 Acts Relating to Courts and Civil Procedure - Procedure Generally Governmental Tort Liability - Department Of Attorney General) [opposed by the Attorney General, & Commission’s budget contains funding of Officers & Directors Liability Insurance]; and

6 b. Return to Department of Children, Youth, & Families’ Training School the 17 year old “gap kids” who have been sentenced to the Adult Correctional Institution during the summer/fall 2007 before the General Assembly repealed 2007 P.L. 73 Article 22, section 1, and remand those kids to the Family Court for sentencing to the appropriate youth correctional institutions [Commission would assist other organizations’ efforts, rather than take the lead].

MOTION: To adopt the 2009 Legislative Package as revised as follows seek seat on Global (Medicaid) Waiver Advisory Committee RMcM/AP passed unanimously

2. Appointments of the:	John MacDonald	15 min.
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a. Assistant ADA Coordinator (Accessibility) - Ratification

Discussion: The Commission received 61 applications, 9 after the deadline. The staff and chairperson reviewed the resumes and applications; 7 had some training/experience related to the essential functions of the job (description), 4 of the 7 had conducted accessibility surveys/inspections. During the initial interviews the 4 candidates were asked to review design plans and identify barriers and to conduct an accessibility survey of the 1st floor restroom and identify barriers. The top 2 finalists both declined the offer of the job, so a second interview was scheduled with the other 2 applicants. The second interview included a “mock” building plan review with an “architect.

MOTION: To ratify the appointment as the Assistant ADA Coordinator (Accessibility) Christopher P. DeGrave. JP/RMcM passed unanimously

b. Chairperson of the Assistive Technology Committee - Advice and Consent

Discussion: The Chairperson nominates Lorna Ricci to be chairperson of the Assistive Technology Committee, to replace Regina Connor who recently resigned from the Commission.

MOTION: To give advice and consent to the appointment of Lorna Ricci as Chairperson of the Assistive Technology Committee AP/RMcM passed, LR abstained

c. Liaison to the Home and Community Care Advisory Committee - Advice and Consent

Discussion: The Advisory Committee meets 4 – 5 times a year at 9 AM. Tim Flynn volunteered to serve.

MOTION: To give advice and consent to the appointment of Tim Flynn as Liaison to the Home and Community Care Advisory Committee. LW/AP passed, TF abstained

d. Vice Chairperson - Election

MOTION: To elect Tim Flynn to be the next Vice Chairperson of the Commission. KMcC-B/SB passed, TF abstained

3. Ratification of NE ADA Center Grant	Pat Ryherd, Chairperson	15 min.
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Contract**Employment Committee****Oct. 1, 2008-September 30, 2009****Rhode Island State Affiliate****State Affiliate Scope of ADA Work & Contract**

This is a sub-contract for services between the *New England ADA Center* and the *RI Governor's Commission on Disability*.

Grant Period: October 1, 2008-September 30, 2009. This contract can be amended by the ADA Center to meet requirements by *National Institute on Disability Rehabilitation and Research* (NIDRR) over the course of the year.

ADA Grant Award: \$24,000

A. RI Affiliate agrees to provide core services:

1. Provide ADA core services to employers, businesses, state and Local government, architects, disability organizations and advocates, individuals with disabilities and their families.

Core services consist of:

- technical assistance via telephone, email and in-person
 - training
 - publication distribution
 - staff DBTAC conference exhibit tables and actively pursue two exhibit opportunities per year.
2. Outreach to students with disabilities and their support services in high school and higher education. Identify and network with state education associations such as guidance counselors, disability services and career counselors.
 3. Identify # __ of **employers in demand-driven and high growth industries** in your state and provide ADA Title I training on rights and responsibilities under ADA.
 4. *Affiliate* provides the ADA Center with a written article (maximum of 250 words) & photos for the *Access New England Newsletter* **three times a year.**
 5. Market new videos *Succeeding in College and Work: Students with Disabilities Tell Their Stories*
 6. Market new *ADA Title I Web Course*
 7. Market preliminary findings from research activities.
 8. Evaluate DBTAC products through ADA Coalition networks such as web courses

B. Other Duties:

1. Participate in trainings provided by the ADA Center (in-state, audio and web-based).
2. Market ADA Center activities such as:
 - ADA Audio Conferences (*third Tuesday of every month at 2 PM*)
 - Annual *ADA Symposium*
 - 800-949-4232 toll-free number
 - *Access New England Newsletter*
3. Provide statewide ADA Coalition meeting schedule to *ADA Center Project Director*.
4. Credit the ADA Center for funding on ADA materials. For example on brochures, "*Funded by DBTAC- New England ADA Center with a grant from the National Institute on Rehabilitation and Research (NIDRR)*".

Annually:

1. *Affiliate* provides list of names and organizations of members of the state-wide ADA Coalition.
2. *Affiliate* provides an **Annual Financial Report** that confirms the expenditure of money based on the allocations you projected (must be submitted).

Twice a Year:

1. *Affiliate* participates in two Regional Advisory Board Meetings.

Quarterly:

1. ***Affiliate mails quarterly report due: December 31, March 31, June 30 and September 30.*** Please submit within 15 days of the due date.
2. ***Affiliate mails quarterly invoice on letterhead due: December 31, March 31, June 30, and September 30.*** Please submit within 15 days of the due date.
3. **ADA Center will mail a check to Affiliate within 45 days** of receiving both quarterly invoice and report.

Annual Financial Reporting
Federal Grant # H133A060092

CDFA # 84-133-D2

Subcontractors are responsible for:

- Annual Financial Reporting that confirms the expenditure of money based on the allocations you projected must be submitted.
- Your agencies annual audit (required).
- Retain support documents of expenses and labor related to this contract making these documents available to the Center upon request.
- When applicable, arrange for audits and assure audit resolution (those entities receiving Less than \$25,000 in federal financial assistance from all sources per year are exempt from the federal audit requirements).
- Submit audit upon completion or the organizations financial report in the case of State agencies.
- Complete all documentation required by the Center related to fiscal concerns. Subcontractors will not be paid without their most recent audit on file at the Center.

Miscellaneous Provisions

The subcontractor shall comply with all applicable provisions under the Rehabilitation Act of 1973, Sections 502 and 504 as well as the Americans with Disabilities Act of 1990 in carrying out all of the activities specified by this subcontract. Failure to comply may result in the termination of this subcontract.

White the quarterly progress reports are vehicles of communication between the subcontractor and the Center, there will be occasions when the subcontractor must communicate information to the Center instead of waiting for the submission of the next quarterly report. Examples of this are a change in the state budget, or significant barriers to conducting the business of the subcontract.

The subcontractor shall report all activities undertaken as part of this agreement to the Center utilizing the quarterly reporting format required by the Center. Failure to submit a quarterly report and comply with the other provisions of this contract will result in loss of funds under this agreement. Sub-Contractors will not be reimbursed for quarters in which the report and invoice is more than 15 days from due date.

MOTION: To ratify the DBTAC – New England ADA Center Oct. 1 -200 – September 30, 2009 Rhode Island State Affiliate State Affiliate Scope of ADA Work & Contract, as presented AP/RMcM passed unanimously

4. Adoption of the Annual Report and Operational Plan	Committee Chairpersons & Bob Cooper	15 min.
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Discussion: The Commission directed staff to update the FY 2008-2009 Operational Plan, by

incorporating the changes made during the Annual Meeting. The Operational Plan, as revised for Program Years 2009 and 2010 along with the Annual Report for Program Year 2008 was mailed in advance of the meeting.

MOTION: To adopt the Annual Report and Operational Plan, with style and drafting revisions AP/RMcM passed unanimously

5. Adoption of the 2009 Schedule of Meetings

Bob Cooper

5 min.

Draft Schedule of Meeting for Calendar 2009

Governor's Commission on Disabilities

The Commission's objective is to ensure that all people with disabilities are afforded the opportunities to exercise all the rights and responsibilities accorded to citizens of this state and each person with a disability is able to reach his/her maximum potential in independence, human development, productivity and self-sufficiency.

The Commission meets Mondays 5 – 7 PM: 02/02nd; 04/27th; 07/20th; 09/14th; and 11/16th

Accessibility Committee

Overseeing the removal of environmental and communication barriers at state owned facilities and

Reviewing municipal and state agency disability parking enforcement annual reports and recommending improvements.

The Accessibility Committee meets Mondays 2 – 3:30 PM: 01/26th; 03/23rd; 05/18th; 06/22nd; 10/05th; and 11/23rd

Assistive Technology Committee

Providing technical assistance to agencies requesting assistive technology accommodations, and

Granting waivers that allows a member of a public body (as defined by the RI Open Meeting Law) to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation.

The Assistive Technology Committee meets on the 3rd Wednesday 2:30 – 4 PM: 01/21st; 03/18th; 05/20th; 07/15th; 09/16th; and 11/18th

Disability Business Enterprise Committee

Certifying rehabilitation agencies and businesses owned by people with disabilities or whose workforce consists of 60% of more people with disabilities for preferences on bidding for state contracts and

Promoting the selection of rehabilitation facilities and disadvantaged small businesses owned by people with disabilities in the awarding of state government contracts.

The Disability Business Enterprise Committee meets the 2nd Wednesday 9 – 10:30 AM: 01/14th; 02/11th; 03/11th; 06/10th; and 10/14th

Election Assistance Committee

Overseeing the Election Assistance for Individuals with Disabilities Grant:

Awarding polling place renovation grants to municipal boards of canvassers;

Developing training modules to be used by election officials and poll place workers to better prepare them to meet a variety of voter needs;

Recruiting people with disabilities to serve as trained poll workers, and/or serve, on an as-needed basis, as advisors to the Commission, the RI Disability Law Center, Secretary of State's Election Division, and the State Board of Elections' ongoing attempts to ensure polling site accessibility and greater participation by people with disabilities in the electoral process; and

Monitoring the RI Disability Vote Projects voter registration and education outreach programs.

The Election Assistance Committee meets the 4th Wednesday 9 – 10:30 AM: 02/25th; 04/22nd; 06/24th; 10/28th; and 12/16th

Employment Committee

Overseeing implementation of the provision of training and technical assistance regarding the employment provisions of the ADA Grant and

Promoting Work and Work Incentives.

The Employment Committee meets the 3rd Thursday 9 – 10:30 AM: 02/19th; 04/16th; 06/18th; 10/15th; and 12/17th

Hearing Board

Conducting hearings and rendering decisions on matters relating to:
Disability discrimination complaints involving physical barriers to public and private entities [RIGL 42-87];
Transition Plans from state agencies requesting to lease inaccessible facilities [RIGL 37-8-15.1]; and
Open Meeting Transition Plans from local and state government entities [RIGL 42-46-13].

The Hearing Board meets only to conduct hearings

Legislation Committee

Conducting public forums annually to identify the concerns of people with disabilities and their families,
Drafting legislation to improve the quality of life of people with disabilities, and
Reviewing and commenting on legislation impacting on people with disabilities.

The Legislation Committee meets Mondays 3 – 4:30 PM: 01/12th; 02/9th; 03/9th; 04/13th; 05/11th; 06/8th; 07/13th; 09/21st; 10/19th; and 12/14th. The Committee also conducts public forums on the concerns of people with disabilities annually during the week of July 27th – 31st celebrating the anniversary of the signing of the Americans with Disabilities Act (ADA) on July 26, 1990.

State Coordinating Committee on Disability Rights

Overseeing the State Government's compliance with the Americans with Disabilities Act and other federal/state disability rights laws, and

Promoting awareness of the ADA Titles II & III.

The State Coordinating Committee on Disability Rights meets the last Tuesday 2:30 – 4 PM: 01/27th; 05/26th; and 09/29th

Executive Committee

Oversees internal management of the Commission;

Making policy decisions between Commission meetings; and

Interviewing applicants and appointing the Mary Brennan (Public Awareness) Fellows; Edward J. Schroeder (Legislative) Fellow; and G. Frank Hanaway (Architectural Awareness) Fellows, to college students with disabilities or pursuing a degree in an area of study relating to people with disabilities.

The Executive Committee meetings Tuesdays 4 – 5:30 PM: 03/03rd; 05/12^{th*}; 06/23^{rd*}; 08/18th; and 12/08^{th*}

* selection of fellows

MOTION: To adopt the 2009 Schedule of meetings revised as follows:

- Commission's July meeting will be on the 20th;
- Accessibility Committee add a meeting on Oct 5th;
- Election Assistance Committee's February meeting will be on the 25th
- Legislation Committee's December meeting will be on the 14th; and
- Executive Committee meetings will be on March 3rd, May 12th, June 23rd, August 18th and December 8th

TF/KMcC-B passed unanimously

6. Status of the Commission's Budget Requests

John MacDonald

15 min.

Discussion: - If the Budget Office sends its recommendation for the Commission's budget proposals prior to the meeting, they will be emailed or distributed at the start of the meeting, depending upon if and when they arrive.

Capital Budget: The Commission requested funding for 2 projects:

- \$5.6 million from RI Capital Plan (RICAP) Funds for Facility Renovations. A total of \$5.1 million has been expended prior to FY 2009, from both general obligation bonds and RICAP funds. The Budget Analyst recommends a total of \$3,861,551 for FY 2009 – post FY 2014, see

chart below.

- \$174,000 from RICAP funds for Auxiliary Aids, on a case by case basis for individuals with disabilities, who are state employees, residents of state facilities and state operated schools and colleges. A total of \$935,032 has been expended prior to FY 2009, from RICAP funds. The Budget Analyst recommends no additional financing in RICAP funding.

Facilities	Pre 2009	2009	2010	2011	2012	2013	2014	Post 2014	Total
Enacted	497,449	436,511	400,000	500,000	600,000	700,000	0	0	3,134,000
Request	497,449	411,551	375,000	475,000	576,000	675,000	1,188,000	1,860,000	6,058,000
Recommend	497,449	411,551	375,000	475,000	575,000	675,000	675,000	675,000	4,359,000

Operations Budget: When the Budget Office authorized the hiring of the Assistant ADA Coordinator (Accessibility) the Budget Requests as adopted by the Commission in September were revised to reflect the later hiring date. In the table below the adjustment is reflected: FY 2009 Revised # 1 is the Budget as adopted by the Commission and FY 2009 Revised # 2 represents the adjusted budget. The same changes are reflected in FY 2010 Request # 1 and Request # 2. The adjustments are **hi-lited**.

Description	FY 2007	FY 2008	FY 2009 Enacted	FY 2009 Revised # 1	FY 2009 Revised # 2	FY 2010 Request # 1	FY 2010 Request # 2	FY 2010 Level Funding
Salary & Benefits	\$436,891	\$287,160	\$351,438	\$327,979	\$327,904	\$317,135	\$317,099	\$334,990
Contracted Professional Services	\$37,016	\$30,968	\$37,132	\$4,698	\$4,698	\$2,191	\$2,191	\$37,132
Operating	\$16,538	\$19,292	\$11,664	\$12,571	\$12,648	\$12,821	\$12,859	\$11,664
Capital Purchases & Construction	\$1,881	\$1,881	\$1,881	\$1,881	\$1,881	\$1,881	\$1,881	\$1,881
Commission Operations	\$492,326	\$339,301	\$402,115	\$347,128	\$347,131	\$334,028	\$334,030	\$385,667
Mary Brennan Fellowship	\$10,352	\$2,965	\$10,350	\$10,350	\$10,350	\$10,350	\$10,350	\$10,350
50th Anniversary	\$15,952	\$2,878	\$0	\$0	\$0	\$0	\$0	\$0
Contracted Professional Services	\$0	\$0	\$0	\$30,621	\$30,621	\$20,602	\$20,602	\$0
Operating	\$0	\$0	\$0	\$1,672	\$1,672	\$458	\$458	\$20,452
Disability Business Enterprise	\$0	\$0	\$0	\$32,294	\$32,293	\$21,061	\$21,060	\$20,452
Salary & Benefits	\$15,767	\$32,400	\$57,159	\$12,673	\$13,059	\$48,196	\$46,586	\$57,159
Contracted Professional Services	\$17,456	\$6,459	\$18,092	\$600	\$600	\$600	\$600	\$18,092
Operating	\$5,245	\$3,013	\$5,221	\$6,465	\$6,466	\$6,139	\$6,139	\$5,221
Grants	\$0	\$0	\$2,588	\$3,450	\$3,450	\$3,450	\$3,450	\$2,588
NE ADA Grant	\$38,468	\$41,872	\$83,060	\$23,189	\$23,575	\$58,385	\$56,775	\$83,060
Salary & Benefits	\$57,707	\$10,304	\$0	\$12,717	\$12,537	\$16,370	\$17,903	\$0
Contracted	\$18,441	\$2,347	\$15,887	\$3,280	\$900	\$3,280	\$900	\$15,887

Description	FY 2007	FY 2008	FY 2009 Enacted	FY 2009 Revised # 1	FY 2009 Revised # 2	FY 2010 Request # 1	FY 2010 Request # 2	FY 2010 Level Funding
Professional Services								
Operating	\$1,060	\$2,460	\$822	\$5,542	\$5,542	\$5,718	\$5,717	\$822
Grants	\$46,499	\$20,467	\$90,000	\$93,450	\$93,450	\$93,450	\$93,450	\$90,000
HAVA Grant	\$123,707	\$35,578	\$106,709	\$114,990	\$112,429	\$118,818	\$117,970	\$106,709
Contracted Professional Services	\$0	\$3,758	\$2,354	\$2,054	\$2,054	\$2,123	\$2,123	\$2,354
Operating	\$398	\$7,499	\$6,211	\$7,611	\$7,611	\$7,878	\$7,878	\$6,211
Grants	\$1,294	\$1,921	\$0	\$1,462	\$1,462	\$0	\$0	\$0
Restricted Receipts	\$1,692	\$13,178	\$8,565	\$11,127	\$11,127	\$10,001	\$10,001	\$8,565
RICAP	\$163,449	\$100,000	\$300,000	\$436,551	\$436,551	\$400,000	\$400,000	\$300,000
Grand Total	\$845,946	\$532,014	\$908,445	\$973,574	\$971,402	\$950,520	\$948,063	\$912,449

Discussion: the Budget Office has not released its recommendations yet.

Announcements:	CA announced that the Senior Health Insurance Program Conference will take place on Dec. 11 – 12, and the Commission has been asked to make a presentation on Accessibility.
Adjournment:	Chairperson adjourned the meeting at 6:38 PM
Resource persons:	Bob Cooper, Secretary