

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL  
EDUCATION**

**LEGISLATIVE COMMITTEE  
MINUTES**

**Videoconference Host:**

Governor's Council  
550 W. 7<sup>th</sup> Avenue, Suite 1220  
Anchorage, Alaska

**Meeting Date**

February 9, 2024  
10:00 a.m. – 12:00 p.m.

**Attendees:**

Caitlin Poindexter, Chair  
Art Delaune  
Jeanne Gerhardt-Cyrus  
Shelly Vendetti-Vuckovich  
Jena Crafton

Chelsea Burke  
Director Duane Mayes  
Corey Gilmore  
Margaret Evans  
Carl (CB) Brady

**Guests:**

Michael Christian  
Anna Williams  
Sabrina Richmond  
Jason Caputo  
Eric Gurley  
Joan O'Keefe

Joyanna Geisler  
Ken Hamrick  
Nona Safra  
Maggie Winston  
Anna Attla

**Staff:**

Patrick Reinhart  
Jamie Kokoszka  
Rich Saville  
Samantha Vetter  
Lanny Mommsen

**Prepared by:** Sheila Garrant, Peninsula Reporting

**CALL TO ORDER – 10:01 a.m.**  
**ROLL CALL – Quorum established**

**WELCOME FROM THE CHAIR**

**Introductions, Announcements, or Good News**

Caitlin Poindexter welcomed attendees to the meeting.

**CONFLICT OF INTEREST DECLARATIONS**

No conflicts of interest were declared.

**APPROVAL OF AGENDA and MINUTES**

Margaret Evans **MOVED** to approve the February 9, 2024 meeting agenda as presented, **SECONDED** by Nona Safra. Hearing no objection, the motion **PASSED**.

Margaret Evans **MOVED** to approve the January 11, 2023 meeting minutes as presented, **SECONDED** by Director Duane Mayes. Hearing no objection, the motion **PASSED**.

**REPORTS**

**Chair Report**

Caitlin Poindexter reported that they have tried scheduling a meeting with SERRC, Alaska’s Educational Service Agency, to discuss the fact that traumatic brain injury (TBI) is not a recognized category on Individualized Education Plans (IEP). Unfortunately, that effort was not successful. They will continue to try to schedule a meeting with SERRC.

Caitlin Poindexter shared that she attended the Alaska Statewide Special Education Conference (ASSEC) along with many Council members and Council staff. There were good keynote speakers and many great takeaways from the conference.

Caitlin Poindexter expressed appreciation to the Council staff, who have been working diligently to finalize the position papers in preparation for advocacy in Juneau. A letter of support will be sent to Representative Saddler to repeal the Assistive Technology Bill, HB 219.

Caitlin Poindexter noted that she looks forward to meeting in Juneau next week and advocating for the population the Council serves.

**GCDSE Staff Report**

Rich Saville remarked that he attended ASSEC, and it was a great conference. The Council awarded the Inclusive Practice Awards at ASSEC. Samantha Vetter

appreciated the Disability Innovation Fund (DIF) Grant presentation. The feedback was positive. They are still looking for members for the advisory committee.

Director Mayes shared that DVR presented at ASSEC. His takeaway was at the end when frustrated special education teachers from rural Alaska shared their experiences and disappointment that there were no DEED administrators in the DIF presentation, and they felt a disconnect between the teachers in rural Alaska and the administrators in Juneau.

Jamie Kokoszka reminded attendees to send photos to Council staff of their engagement in Council activities to be used in the Council's annual reports.

Patrick Reinhart shared the following update:

- The Council has a packed schedule for the Council meeting and legislative visits. Council members and SILC members will join the Council members on legislative visits.
- The House HSS presentation scheduled for Thursday at 3:00 p.m. was canceled; however, Representative Prax said he would like to meet with Patrick Reinhart to discuss a future presentation date.

Caitlin Poindexter shared the following reminders:

- The Trust Joint Advocacy meetings are on Fridays from 12:15 – 1:15 p.m.
- The Stone Soup Group Parent Conference is scheduled for March 21 – 22, 2024. Registration is open.
- The next Empower Hour will be held on February 15, 2024 from 5:00 – 6:00 p.m.

## **BUSINESS**

### **AKLeg.gov**

Caitlin Poindexter reminded the committee that AKLeg.gov is a valuable resource for tracking legislative activity during the session. She noted that a fact sheet with links to the legislative process in Alaska was attached to the meeting agenda.

### **Advocating for Legislative and System Change**

Caitlin Poindexter reported that it is essential that the Council members and Council staff testify at legislative hearings. The legislators like to hear personal stories. Patrick Reinhart noted that they can tell legislators their story and tell legislators that they support something and why, but they can't ask them to vote for or against something.

Jamie Kokoszka reminded attendees that when meeting with representatives as Council members, they represent the Council's position on matters. Jamie asked attendees to let Council staff know if there are particular topics they would like to testify on, and they will help coordinate that effort. She also noted that SB 104/HB 16, the Civil Legal Services Fund, which the Council supports, has a hearing scheduled for February 9, 2024 at 1:30 p.m.

## 2024 State Legislative Updates and Discussion

Staff shared the Council's position papers related to outstanding legislation from the last session as follows:

- *HB 111 (Deaf and Hard of Hearing)*
  - Sits in House Finance awaiting hearing
  - Companion Bill SB 143 was introduced
    - The Deaf Education Board identified edits to the language of the proposed legislation as follows:
      - Add ASL as a method of communication as an option.
      - Remove “cued speech” and “total communication” as options, as they do not apply to Alaska and are outdated methods of communication.
      - Change the definitions of “deaf” and “hard of hearing” in the bill, as they are deficit-focused.
      - The DEB board chairs met with the National Association of the Deaf (NAD) to discuss language. Rich Saville will meet with Courtney Westmann, the DEB chair, and the NAD to finalize the draft language.
  - **Update (February 9):**
    - Combined with SB 140.
    - The Council's position paper supports the passage of SB 143/HB 111. Currently, HB 111 is Sections 11 and 12 of SB 140, which was transferred from the Senate to the House as an internet bill for schools. The House made it into an education reform bill. That bill is stalled in committee.
  - Discussion:
    - The Council supports Sections 11 and 12 and SB 143. It could be that the Senate Bill never passes with all the items added, but there's still SB 143 in the Senate.
    - If the question is, “Do you support the entire SB 140?” The answer would be, “We supported HB 111, which has been put into SB 140 as Sections 11 and 12, and we support Sections 11 and 12 of SB 140. The rest of the bill is outside the Council's scope, and we do not have any comment on it.”
- *Centralized Accommodation Fund (CAF)*
  - A budgetary item that got vetoed in the Governor's final budget
  - Trust included it in its recommendations to the administration
  - One of the top recommendations in the AWMTF report
  - The CAF will be brought forward again next session
  - The Council will consider whether or not to present it as a capital project
    - The Employment Committee's review yielded no input. Council staff will update the position paper with additional links and suggest it may be better as a capital project versus in the operating budget.
  - **Update (February 9):**

- Patrick Reinhart recommended taking this off the agenda for speaking with legislators.
  - Discussion:
    - Director Mayes noted that he met with the Division of Employment and Training director and told them the CAF recommendation is a part of the Alaska Work Matters Task Force final report under the State as a Model Employer (SAME). The director said rather than asking for a capital request, they would identify an indirect rate that would be charged to all departments. The departments would send that amount to the Department of Personnel and Labor Relations, Human Resources. The indirect rate is a possibility. There have been conversations with the Department of Administration about this, and it makes sense to do it through that vehicle. There are indirect rates for IT supports and HR supports already in place. They are internally pursuing an indirect rate for the CAF that would be charged to all the departments and paid to the Department of Administration HR.
    - Patrick Reinhart noted that if asked about the CAF, the response is that the administration is working on creating an indirect rate to set up a CAF. They are committed to finding a way to it.
- *SB 104/HB 161 (Civil Legal Services Fund)*
  - A Council bill in 2018
  - Alaska Legal Services (ALS) is in dire need of appropriate funding
  - The bill promotes moving back to 25% of legal fees collected by the state going to ALS.
    - The Governor’s Council will support the bills through letters of support and possible public testimony.
  - **Update (February 9):**
    - Jamie Kokoszka presented a position paper on the Civil Legal Service Fund and shared talking points.
    - Patrick Reinhart recommended removing “developmental disabilities” and replacing it with “people with disabilities.”
- *HCBS Efficiencies*
  - There are five points in the Governor’s Council’s HCBS efficiencies position paper.
    1. Increase savings and self-determination by offering an option for some people with I/DD to direct their services in a more independent and flexible way
    2. Better facilitate environmental modifications (E-Mods) such as smart home technology, physical accessibility, and remote monitoring to ensure greater independence for HCBS recipients
    3. Initiate Adult Companion Services
    4. Consider softening or removing other regulatory barriers to HCBS Services

5. HCBS Medicaid rate structure is flawed, outdated, and needs an objective overhaul. Ask: Give the Department of Health the direction and tools necessary to address our DD system crisis.
  - The CISS Committee is considering creating a separate position paper for E-Mods.
- **Update (February 9):**
  - The HCBS Efficiencies were split into two position papers: the E-Mod paper and the Participant-Directed Waiver Services paper.
  - Patrick Reinhart reported that the SILC drafted the position paper on E-Mods.
- **E-Mod Discussion:**
  - Michael Christian reported that talking points include that it is not currently a statewide program, the cap is low, and it doesn't allow for significant modifications. Other talking points include holding shipping from the cap, and simplifying the application process for E-Mod providers.
  - Joan O'Keefe added that 26 E-Mods were done on the waiver last year, and it's been similar for years. What they hear from SDS is this is not a priority. What she hopes the legislature can do is pressure SDS to make it a priority because it's not lawful that they are not making this service available statewide. In the paper, there are several suggestions to turn it around.
  - Jeanne Gerhardt-Cyrus asked for a list of where people are getting E-Mod services. Joan O'Keefe has a list from SDS up to 2015; other data is unavailable for current years.
  - Anna Williams with SDS noted that she is working on a white paper for SDS. She struggles to get data from SDS and is working with the Research and Analysis Unit to get more data, explicitly comparing 2013 to 2015 to 2018 to now. Since it was all pre-Harmony (the state data management system), the data is more difficult to access. Joyanna Giesler noted the number for FY 22 of 26 came from the Research and Analysis Unit, but they couldn't identify regions.
  - Patrick Reinhart noted that the message is that an HCBS waiver is to keep somebody out of institutional care. The first line of defense to do that is to make home accessible so they don't have to leave to go to a more restrictive place that is more expensive to the state. This needs to be fixed to avoid paying much more on the other side, which is assisted living and nursing home care.
  - Michael Christian remarked that a fall event costs \$80,000, and the letter of support asks for a soft cap of \$40,000. Patrick Reinhart recommended adding the point of fall events to the bullet points.
  - Patrick Reinhart remarked that the position paper will be a joint GCDSE/SILC paper.
- **Participant-Directed Services (PDS) Discussion:**
  - Corey Gilmore remarked that the bottom line is that 40 other states have some form of PDS. The DD Shared Vision was passed six

years ago, and Alaska has seen very little legislative action related to it.

- Maggie Winston commented that she likes the strong language in the position paper.
  - Patrick Reinhart noted a change in language in the ask section from “now” to “FY 25.” Jamie Kokoszka pointed out that they added a link to the DD Shared Vision and statute language.
  - Patrick Reinhart remarked that the position paper will be a joint GCDSE/SILC paper.
- *HB 219, Repeal Assistive Technology Loan Program*
    - **Update (February 9):**
      - The Council wrote a letter of support for the repeal of the Assistive Technology Loan Program with an attachment of the 2024 Assistive Technology position paper.
    - Discussion:
      - Director Mayes reported that there will be a single referral hearing next week in the House Finance Subcommittee. Mystie Rail, from ATLA, and Director Mayes will speak to the committee about the proposed change.
      - Patrick Reinhart recommended using the exact amount in key point No. 2 in the position paper.
      - Michael Christian noted that SILC supports the position.
  - *Public and Community Transportation*
    - **Update (February 9):**
      - AMC has hired a lobbyist to assist with the effort.
      - The Governor’s Council used AMC’s positions and added a statement that the positions are supported by the membership of AMC, the Governor’s Council on Disabilities and Special Education, and the Statewide Independent Living Council.
    - Discussion:
      - Caitlin Poindexter suggested inviting legislators to travel about with an individual in a wheelchair to experience the things that people in wheelchairs have to do to try to get transportation.
      - Anna Attla expressed her dissatisfaction with Anchorage’s maintenance of public spaces, making it a challenge for people with disabilities to move about town.

Patrick Reinhart shared that there will be eight teams conducting legislative visits. Caitlin Poindexter opened the floor for considerations. Following is a summary of the input:

- Consider having particular teams highlight specific topics.
- Consider prioritizing the issues, and note that the information is in the packet for matters that weren’t covered thoroughly in the meeting.

- Consider targeting specific topics to certain legislators depending on their stance and voting history.

Patrick Reinhart reported that all the position papers will be included in the legislative packet along with the Council's annual report and infographics. The Council staff will research the legislators' networks (committees, region, demographics) and use that information to drive the topics teams will focus on. He noted that it is essential to note the other issues that may not be highlighted and direct their attention to the legislative packet.

After a discussion, the committee members proposed prioritizing the position papers as follows:

1. E-Mod
2. Participant-Directed Services
3. Public and Community Transportation
4. Deaf and Hard of Hearing Bill
5. Civil Legal Service Fund
6. Repeal Assistive Technology Loan Program

### **Other Potential Bills**

Patrick Reinhart referenced a position paper the Council drafted in response to a loss of funding in the Governor's proposed budget. After speaking with the administration, it was suggested to wait before addressing the shortfall with legislators because efforts are being made to include the funding in the Governor's amended budget. Patrick Reinhart noted that if it is not included in the amended budget, the Council will move forward to address it with the legislature.

### **Update on Federal Issues**

Patrick Reinhart reported that he continues to seek funding to send Council members to the Disability Policy Seminar.

### **DATE AND TIME OF THE NEXT MEETING**

The next Legislative Committee meeting is scheduled for March 5, 2024, 1:00 – 2:30 p.m.

### **GOOD OF THE ORDER AND ADJOURNMENT**

Jena Crafton **MOVED** to adjourn, **SECONDED** by CB Brady. Hearing no objection, the motion **PASSED**, and the meeting adjourned at 12:00 p.m.