

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

**LEGISLATIVE COMMITTEE
MINUTES**

Videoconference Host:

Governor's Council
550 W. 7th Avenue, Suite 1220
Anchorage, Alaska

Meeting Date

October 10, 2024
12:30 p.m. – 2:00 p.m.

Committee Members:

Caitlin Poindexter, Chair
Art DeLaune
Jeanne Gerhardt-Cyrus
Shelly Vendetti-Vuckovich
Jena Crafton
Stanley Wright
Margaret Evans
Carl (CB) Brady
Lisa McDonald

Council Members and Guests:

Nona Safra	Olivia Yancy
Dave Fleurant	Judy Edwards
Sabrina Richmond	Jackie St. Clair
Marlene Wenger	Susan Kessler
Christine Bohan	Sandra McMahon
Allegory Smith	

GCDSE Staff:

Jamie Kokoszka
Patrick Reinhart
Chelsea Burke
Rich Saville
Lanny Mommsen
Michael Stevensen
Samantha Vetter

Prepared by: Sheila Garrant, Peninsula Reporting

CALL TO ORDER – 12:30 p.m.
ROLL CALL – Quorum established

WELCOME FROM THE CHAIR

Caitlin Poindexter welcomed members and guests to the meeting and shared meeting etiquette.

CONFLICT OF INTEREST DECLARATIONS

No conflicts of interest were declared.

APPROVAL OF AGENDA and MINUTES

Lisa McDonald **MOVED** to approve the meeting agenda as presented, **SECONDED** by Shelly Vendetti-Vuckovich. Patrick Reinhart asked to add adult changing tables to the business agenda item. Hearing no objection, the motion **PASSED**.

Jena Crafton **MOVED** to approve the May 8, 2024 meeting minutes as presented, **SECONDED** by CB Brady. Hearing no objection, the motion **PASSED**.

REPORTS

Chair Report

Caitlin Poindexter shared the importance of attending Legislative Committee meetings because legislative business may be delayed without a meeting quorum.

GCDSE Staff Report

Jamie Kokoszka shared that the Reducing Recidivism and Reentry Conference is scheduled for November 18 – 19, 2024 at the Anchorage Sheraton Hotel. There is free admission for Council members/staff.

Samantha Vetter reported that the Employment First Conference is scheduled for November 6, 2024 at Anchorage Dena'ina Center from 9:00 a.m. to 3:15 p.m. Topics include employer engagement efforts, ADA, mental health in the workplace, technology in the workplace, and a business person's self-employment perspective.

Patrick Reinhart reported that the Juneau Council meeting is scheduled for February 10 – 13, 2025. Council members are encouraged to make travel plans early. This is the year's most important meeting as the Council members participate in advocacy for people with disabilities.

Patrick Reinhart stated that it was an honor and privilege that he, Jena Crafton, and Sabrina Richmond got invited to the White House in June of '24 to talk about Alaska disability-specific issues with members of the administration. Patrick reported that they

also attended the NACDD Conference in July. They had meetings set with the Alaska delegates to talk about national disability issues, and because a VIP was scheduled at the building, the meetings were postponed. They later met with Senators Murkowski and Sullivan's staff. Patrick added that the Council plans to invite the delegation members to meet with the Council in person.

BUSINESS

New Committee Members

Caitlin Poindexter opened the floor for new committee members to introduce themselves. Lisa McDonald shared that she is from Kenai and is closely connected to policymakers on the Peninsula. She works as a community incentives counselor and contracts with the state through DVR and CHD. New committee member Garrett Dominick was unable to attend the meeting.

Adult Changing Tables

Judy Edwards reported that she had been advocating for adult-sized, height-adjustable changing tables in public spaces. She opened an Alaska chapter of Changing Spaces, which advocates for accessible restrooms with universal changing tables. She expressed her need for support to move the advocacy forward. Judy shared her personal experience navigating personal hygiene needs in public for her adult son with disabilities.

Caitlin Poindexter opened the floor for discussion. Patrick Reinhart remarked that many national councils have taken up this issue. There are many resources available that the Council could use to see how others were successful in the cause. He agreed to do some research and bring it back to the committee.

Nona Safra noted that the new Homer airport will showcase adult changing tables. If the committee takes up the issue, she recommended using Homer's example of ADA accessibility as example for Alaska.

Akleg.gov Updates

Caitlin Poindexter reminded the committee that AKLeg.gov is a valuable resource for tracking legislative activity during the session. Senator Stanley Wright reported that Akleg.gov can be tricky sometimes, but it allows constituents to contact local legislators through the website or use the contact information to write or e-mail them with their concerns.

Jamie Kokoszka reported that she and Rich Saville followed up with Stacie Bentley, the ADA coordinator at the legislature, regarding closed captioning during the legislative session. Stacey reported that systems should be in place by the next session. Jamie noted that there is still some work related to the provision of accessible documents.

Voting

Caitlin Poindexter shared the following voting reminders:

- In-person voting begins on October 21, 2024.
- The absentee ballot request deadline is October 26, 2024.
- Election day is November 5, 2024.
- Polling places are open from 7:00 a.m. to 8:00 p.m.
- By-mail ballots must be postmarked by November 5, 2024
- Alaskans will use ranked-choice voting in presidential elections

CB Brady reported that a representative from the Division of Elections came to the Center for the Blind and Visually Impaired to demonstrate the new voting tablets typically used by blind and low-vision individuals. They are at all 405 polling locations, including early voting locations. The only challenge that presents itself is that many of the poll workers are not aware of how to use the machines. He noted that it takes approximately 40 minutes for a blind/low-vision individual to use the tablet for the first time.

Dave Fleurant shared that the DLC is in the process of divvying up poll stations amongst its staff to check for accessible voting equipment, which includes stationary equipment as well as tablets. He noted that in some cases, the poll stations haven't opened the equipment, and poll workers don't understand how to use the equipment. He shared that this has been an ongoing issue for some time, and it's unfortunate that more progress has not been made to enhance the fluidity of voting for individuals with disabilities who require assistive technology and/or physical accommodations to participate in elections.

Rich Saville commented that he had previously worked at the polls, and there was training on the tablets at the polls where he worked. The training is a YouTube video training that workers are required to watch. He shared a link to the demo of the tablets and the poll worker training, along with a link to the Division of Elections. Lisa McDonald shared that the Kenai Peninsula has mandatory training for precinct chairs.

Schedule of Training for “Speaking with Policymakers”

Caitlin Poindexter reported that the “Speaking with Policymakers” training is typically done in Juneau as part of the Council meeting. Caitlin recommended that committee chairs present the training in a committee meeting in advance of the winter Council meeting.

Dave Fleurant questioned if the Council would be partnering with one or more organizations in its legislative advocacy this year. Patrick Reinhart responded that that has not yet been decided and would be a good agenda item for a future Legislative Committee meeting.

2024 STATE LEGISLATIVE UPDATES AND DISCUSSION

SESA Funding Presentation

SESA Executive Director Olivia Yancy joined the meeting and shared a presentation titled: *Low Incidence Disabilities (LID) Outreach Program: Funding Formula*. She highlighted the following information:

Revenues by source for FY 2025 budget:

- State of Alaska \$3,414,506 (84.03%)
- Federal pass-through state \$ 475,000 (11.69%)
- Direct federal \$ 158,823 (3.91%)
- Interest and other \$ 15,200 (.037%)

Revenue budget:

- LID/General fund
 - Change from FY 2024 to FY 2025 budget:
 - State of Alaska \$ 858
 - PERS on-behalf \$ 6,581
 - TRS on-behalf \$ 72,611
 - Add to fund balance \$267,399
 - Total change \$347,449

The concern is that SESA will tap into the fund balance for \$267,399 this coming fiscal year. For now, SESA has sufficient funds because it is tapping into the fund balance to support the shortfall and provide services to rural and rural/remote Alaskan school districts. Olivia Yancy reported that the fund balance is a resource SESA has available to tap into to help with a shortfall. Since 2016, there has been an upward trend due to various factors.

LID revenue concerns:

- As a result of the most recently ratified Collective Bargaining Agreement FY'25-FY'27, the following observations were made about the current revenues for Fund 100 Low Incidence Disabilities/General Fund:
 - A limited amount of funds is available in revenue and fund balance to provide competitive salaries that match the cost of living/inflation in Alaska and help recruit or retain education specialists for SESA.
 - SESA's board of directors is unable to increase the number of full-time equivalents (FTEs) for education specialists beyond 13.80 FTE to serve LID and Alaska Deaf/Blind Project (AKDBP) students at 40 students per specialist with no more than 50% at intensive/targeted level of service due to current revenue budget.
 - The maximum number of students SESA LID can currently have/serve is 550 (i.e., depending on how many specialists work within each LID program). If 13.8 FTE is not filled or students max (i.e., 40 students per specialist per program) has been met, a waitlist has to be initiated.

- If SESA maintained a 12.79% increase in students served each year without any student exits, SESA would reach its maximum by FY'26, and students would either be discontinued or new referrals would be placed on a waitlist.
- SESA is unable to add the needed program administrator to support the LID programs.
- There is a concern that SESA is approaching the maximum LID caseload.
- There is a concern that SESA has a limited ability to increase salaries to be competitive.

Olivia Yancy stated that the SESA board of directors recommends increasing current funding rates. She shared the funding rates as follows:

- FY'14 – FY'21
 - Funding rate of \$18.65 per student in the prior year statewide average daily membership (ADM).
- FY'22 – FY'29
 - Received \$23.13 funding rate per student statewide ADM during the extension on June 30, 2021.

Olivia Yancy noted that SESA could request an additional rate increase to \$26.89 to match current program needs. She reported that the current LID funding formula is the total statewide enrollment (ADM) in FY 2024 times \$23.13 per student, which equals SESA's total funding for the FY 2025 LID Program. Olivia reported that the formula does not meet the needs for operational services and that SESA is tapping into the fund balance. She shared a 14-year history of the state ADM versus LID student caseload. She noted that since 2011, the caseload has doubled, and the LID revenue has not changed to meet the need.

Olivia Yancy shared the SESA board recommendation as follows:

- Prior to the next reauthorization cycle, the board recommends the following change to AS 14.30.650 funding:

“Each fiscal year, the department shall allocate to the agency not less than \$26.89 times the number of students in the state in average daily membership in the preceding fiscal year as determined under AS 14.17.600. Money to carry out the provisions of this section may be appropriated annually by the legislature. If amounts are insufficient to meet the allocation authorized under this section for a fiscal year, the allocation shall be reduced pro rata.”

Patrick Reinhart added for context that the Governor's Council members serve as the majority members of the board of directors of SESA. It is in the board's purview to decide whether or not to ask for an increase in funding. The question for the Legislative Committee is whether it will adopt the recommendation. If so, it will be prioritized with

other legislative issues and go to a final vote from the full Council on the totality of Legislative Committee recommendations.

Jeanne Gerhardt-Cyrus remarked that some of the significant items to highlight includes that the state population is dwindling, but the LID population is increasing. If the rate is based on the total student count, there is no additional funding, and, in fact, getting less the following year because of the reduction in the ADM. Additionally, putting students with disabilities and intensive needs on a waitlist is doing a double disservice to them.

Caitlin Poindexter commented that because of her personal experiences working with SESA, she agreed that funding makes sense because SESA serves many different needs.

ILP Program Funding Presentation

Rich Saville reported that the ICC has been working on the expansion of services project, and the ICC is recommending an ask of the legislature this session. The request is not necessarily related to the expansion of the ILP program yet; it's related to increasing the ILP program as they have been flat-funded for the last 11 years. ILP programs across the state have fewer visits with children and families because they can't afford to pay the specialists the wages they need to pay to be competitive. The state office has lost positions because they don't have the funding for staff. The ICC is working on a number for the ask and calling it a make-whole amount, which will be approximately \$3M, based on the consumer price index (CPI) over the last decade. It is possible that the funding could be in the Governor's budget, which won't be known until December. If it is, it would be a matter of advocating to keep it in. If not, the ICC will ask the legislature to add it. Rich reported that in addition to the request to make whole, the ICC will be talking to legislators about the ILP program expansion coming in the future.

Caitlin Poindexter remarked that the ICC has been organized and intentional in the process of making recommendations. She noted that Alaska is one of the bottom three states in the country with the highest threshold for ILP eligibility. It is prohibitive in terms of helping children and families get the help they need.

Susan Kessler noted that the link is that ILP cannot look to expand until it can strengthen the workforce by paying a competitive wage. Additionally, ILP is trying to push for adding opportunities for more Medicaid billing, which would require a statutory change. Susan shared that the ILP funding will be on this session's Key Coalition advocacy platform. The ILP community, including the Alaska Infant Learning Provider Association (AILPA) and the Alaska Association on Developmental Disabilities (AADD) support the effort.

Patrick Reinhart shared that the Council is where the Interagency Coordinating Council fits, so the support of the ILP recommendation fits into the mission and purpose.

DD Shared Vision

Patrick Reinhart reported that a multi-partner agency process is underway to refresh the DD Shared Vision. The DD Shared Vision 2.0 workgroup is focused on the next steps to realize the vision in practice. Patrick stated that as the process progresses, more information about the direction of the legislative advocacy will be shared. Chelsea Burke shared that the Shared Vision 2.0 is looking for people to join its workgroups. The three workgroup topics are self-directed services, alignment of current services with the Vision, and education.

Deaf and Hard of Hearing Child Bill of Rights

Rich Saville reported that the Deaf and Hard of Hearing Child Bill of Rights effort is starting over with a new draft of the bill of rights. It came to light that there were some potentially significant issues with the defensibility of the draft bill that didn't pass the last session. They plan to meet with the National Association of the Deaf next week for recommendations.

Public and Community Transit

Caitlin Poindexter reported that public and community transit will likely remain a priority since it didn't pass last session. CB Brady shared that he believes the state needs to do better at providing equal access to public transportation. He believes educating the public and policymakers and advocating for equal access should continue.

Caitlin Poindexter shared that she, Jamie Kokoszka, and Patrick Reinhart plan to meet with Representative Donna Mears or her staff on October 24, 2024 to see if Rep. Mears would support a public and community transit bill.

Patrick Reinhart noted that the purpose of the proposed legislation that the Alaska Mobility Coalition forwarded is to put public and community transit in the statute under the responsibility of the Department of Transportation and Public Facilities so that they make it a priority.

Medicaid Buy-In

Patrick Reinhart briefly reported that Medicaid Buy-In is for working individuals with disabilities to keep Medicaid benefits while they go to work. The idea is pretty simple: as they earn money, they have to pay part of a premium towards Medicaid to keep Medicaid benefits. Patrick noted that it is a little-known public benefit that few people with disabilities avail themselves of. The Council's committees plan to examine the current program and decide if legislative action is needed.

Civil Legal Services Fund

Patrick Reinhart briefly reported that the Civil Legal Services Fund legislation didn't pass the last session. The legislature passed additional funding for Alaska Legal Services through another mechanism.

Other

Representative Stanley Wright reported that the Governor signed HB 126, the professional counselors/licensing of associate counselors bill. He noted the law will help clear the backlog for mental health appointments.

REPORTS ON LEGISLATIVE ACTIVITY FROM LAST SESSION

Environmental Modifications (E-Mods) Participant-Directed Services

In the interest of time, the above agenda items were tabled.

UPDATE ON FEDERAL ISSUES AND DISCUSSION

NACDD Federal Updates Disability Policy Summit Alaska Congressional Visits in State

In the interest of time, the above agenda items were tabled.

DATE AND TIME OF THE NEXT MEETING

Caitlin Poindexter noted the dates and times of the Legislative Committee meetings as follows:

- November 7, 2024, 12:30 – 2:00 p.m.
- December 12, 2024, 12:30 – 2:00 p.m.
- January 9, 2025, 12:30 – 2:00 p.m.

JUNEAU COUNCIL MEETING AND LEGISLATIVE VISITS

Caitlin Poindexter noted that legislative visits will be scheduled during the Juneau Council meeting planned for February 10 – 13, 2025.

GOOD OF THE ORDER AND ADJOURNMENT

Jena Crafton **MOVED** to adjourn, **SECONDED** by Shelly Vendetti-Vuckovich. Hearing no objection, the motion **PASSED**, and the meeting adjourned at 2:00 p.m.