**ATTENDANCE**

**Members Staff**

Neil Romano, Chairman Lisa Grubb, Executive Director

Billy Altom Joan Durocher

Rabia Belt Anne Sommers

James Brett Phoebe Ball

Andres Gallegos Amy Nicholas

Daniel Gade Amged Soliman

Benro Ogunyipe Keith Woods

Clyde Terry Netterie Lewis

Ana Torres-Davis

Nick Sabula

**ABSENT**

Wendy Harbour

**NCD Contractor**

Anthony Simpson

**Guests**

Chuck Neuwohner, Director of Workforce Development, Opportunity Village; Kimie Eacobacci, National Federal of the Blind; Larysa Kautz, Melwood; Kate McSweeny, ACCSES; David Capozzi, Executive Director, Access Board; Lynnae Ruttledge, Private Consultant; Phil Bentzinger, Cottonwood Inc.; Sam Chaudhuri, MCDS; Shelby Fry, TARC Incorporated; Alison Barkoff, Center for Public Presentation; Allison Wohl, APSE; Andy Vega, Vrevard Achievement Center; Chad Vonahnen, Johnson County Development Supports; Chris Parks, EPI; Chris Sparks, EPI; Chris Sparrow, Able South Carolina; Daryn Demeritt. ResCare; Debbie Gilmer; Syntiro; Dynah Haubert, Disability Rights Pennsylvania; Elizabeth Priaulx, National Disability Rights Network; Ellen Jensby, Alliance; Gena Swart, Nemaha County Training Center; Heidi Siegfried, CIDNY; James Quillen, OCCK; Jean-Marie Moore, Palm Beach Habilitation; Jerri Davison, Able South Carolina; Joe O’Rourke, New Beginnings; Johnny Callebs, Kentucky Association of Private Providers; Joshua Lankton, Tri-Ko Incorporated; Julie Christensen, University of Iowa; Kim Kiely, United Cerebral Palsy of Niagara County; Kris Macy, Starkey Incorporated, Kristen Farry, Woods Services; Lorin Obler, GAO; Mark Seifarth, Private Consultant; Molly Burgdorf, The Center for Public representation; Nancy Davis, The Institute; Nancy Duffy-Auer, DSNWK; Phil Bentzinger, Cottonwood, Incorporated; Randall Peeters, The Arc of The Quad Cities Area; Rifath Khan, Douglas Center; Ruthie Beckwith, TASH; Sam Chaudhuri, MCDS, Stan Soby, Oak Hill; Tom Federick, Elm City Center; Theresa A. Rowell, General Attorney, United States Department of Education, Office of the General Counsel

**Welcome and Introductions**

Chairman Neil Romano called the meeting to order at 9:00 AM (ET) and welcomed Council members, staff and the public. He commended Mr. Benro Ogunyipe for chairing the May meeting held in Kentucky in his stead.

1. **Acceptance of the Agenda**

**MOTION:** Mr. Andres Gallegos moved to accept the agenda of the July meeting.

**SECONDED:** Mr. Billy Altom

Roll Call Vote:

Neil Romano, Chairman

Billy Altom: Aye

Rabia Belt: Aye

James Brett: Aye

Andres Gallegos: Aye

Daniel Gade: Aye

Benro Ogunyipe: Aye

Clyde Terry: Aye

1. **Attendance and Roll Call**

Neil Romano, Chairman

Billy Altom

Rabia Belt

James Brett

Andres Gallegos

Daniel Gade

Benro Ogunyipe

Clyde Terry

Ms. Theresa Rowell conducted the mandatory ethics training. She stated that federal employees adhere to the basic principles underlying the ethics standards which is public service is a public trust. As NCD employees, Ms. Rowell stated that NCD employees and Council members serve as public servants and as such duty of honesty and integrity is owed to the public.

1. **14 (c) Panel Presentation**

Ms. Amy Nicholas introduced the panel that were presented on 14(c).

Mr. Chuck Neuwohner, Director of Workforce Development, Opportunity Village stated his organization serves approximately 1100 individuals daily and 1/3 are currently are headlined for 14 (c) but not entirely. Regarding the person-centered plan, individuals can choose their activities both paid and unpaid which does not include paid prevocational activities in campus-based programs.

Mr, Neuwohner stated that most participants at Opportunity Village have been referred through the regional center and the process involves an intake coordinator who conducts an interview and an assessment. He added based on the information gathered and retrieved a determination and suggestion are made to which programs are most appropriate. If the prevocational setting is chosen, the majority of would participate in the 14 (c) campus-based programs.

Mr. Nuewohner stated that the partnership between the Clark County school district serves up to 115 students from 18-22 years of age. There is a volunteer experience at nonprofit community organizations and prior to aging out, with coordination with VR, students are reached by transition coordinators and a case is opened with VR so that they can avail themselves of either job equipment and to community placement.

Mr. Nuewohner stated that they have 150 individuals in a day program which are moving from a facility into a community to competitive employment of their choosing.

Ms. Kimie Eacobacci, National Federation of the Blind (NFB). Ms. Eacobacci stated that her agency is working with other disability advocates on the issue of 14 (c) and has had the opportunity to speak with employers who currently have 14 (c) certificates and those who do not.

Ms. Eacobacci stated that she has spoken with the Department of Labor’s Office of Disability Employment Policy and every month they conduct free webinars that they hold with providers nationwide to talk about how they can successfully transition away from their 14 (c) certificates. She added that ACCSES has expressed interest in making the transformation. She added that NFB supports the current definition of competitive integrated employment.

Ms. Kate McSweeney, ACCSES stated that their membership is made up of disability services providers with whom have 14 (c) certificates, with many having phased out. ACCSES’ position is not to take away employment opportunities.

Ms. McSweeney stated that many people under 14 (c) are very dedicated and rather not be placed into another program and it is important to keep their interest in mind.

Ms. McSweeney stated that many providers with 14 (c) certificates would submit that they are used as an accommodation.

Ms. Larysa Kautz, Melwood stated that she agrees with the definition as it is presently. She added that some of the rules that are interpreted now will take a job that is exactly like that of a federal contractor and no one would question that it is a competitive integrated employment because it falls into ability one.

1. **Accessible Exam and Diagnostic Equipment**

Mr. Andres Gallegos, reported stated in today’s reality if you’re a person with a disability chances are you are not going to receive the medical care and treatment that is needed. You will not receive the preventative services one should be taking advantage. If hospitalized, you must take someone with you to take care of you while you’re are there because you will not be able to count on medical personnel to do so.

Mr. Gallegos stated research and data collection on the healthcare and health for people with disabilities, the Access Board has developed standards for potential regulations for accessible medical and diagnostic equipment. The Access Board has done a great job with this and the Department of Justice withdrew regulations and its website so that it may further study to determine if it’s necessary.

Mr. Gallegos said when states migrate to managed care disability rights attorneys become vigilant to ensure that Medicaid is not lost for individuals that it is intended for people with disabilities.

Mr. Gallegos stated that persons with hearing impairments are not provided with appropriate auxiliary aids and service they need to communicate effectively.

Mr. Gallegos stated eye and dental examinations are an issue as well. If one is unable to transfer from their wheelchair to an examination table, they will have to remain in their chair.

Mr. Gallegos stated that there is an absence of wheelchair accessible weight scales which has been looked at by the Access Board upon developing standards.

Mr. Gallegos stated that an accessibility survey of CIGNA Clear Springs was conducted, a Medicaid company which illustrates 27 of 56 primary care groups that identifies themselves in a network directory as being accessible and accepting new patients. A survey was conducted in which 48% of them was unable to accommodate patents if they were unable to transfer independently.

Statistics show that 76.8% of patents are unable to transfer on their own, 66% had no adjustable table and 77% can’t weigh for the absence of wheelchair accessible weight scales.

Mr. Gallegos stated that Title 2 and 3 of the ADA has general obligations but are rather vague as it relates to accessible healthcare. He added that there needs to be more specific guidance from the Department of Justice building upon the work of the Access Board.

Mr. David Capozzi, Executive Director, Access Board talked about the authority that was given the Access Board to write the accessibility standards and it limitations.

Mr. Capozzi stated that in 2010 the Affordable Care act was passed which amended the Rehabilitation Act adding a section 510. It required the Access Board in consultation with the Food and Drug Administration to write standards setting forth the minimum technical criteria for medical diagnostic equipment used in physicians’ offices, clinics, emergency rooms, hospitals, and other medical facilities.

Mr. Capozzi stated that legislation also states that the standard shall apply to equipment, including examination tables, chairs (eye and dental), scales, mammogram equipment, X-ray machines and other radiological equipment.

Mr. Capozzi stated with consultation with the FDA the Access Board will periodically review and as appropriate amend the standards.

Section 3101 of the Affordable Care Act gives the Secretary of Health and Human Services the responsibility to survey healthcare providers to determine the number of providers with accessible facilities and equipment that meets the minimum technical criteria.

Mr. Capozzi stated that there was an information meeting which advised the Access Board on how to begin the process of developing regulations.

There is a proposed rule and an advisory committee to give advice on the comments that the Access Board has received.

Mr. Capozzi stated the final standards were issued in January 2017, but they don’t cover personal devices but devices that are used for medical diagnostic in doctors’ offices and other medical and health care providers.

Mr. Capozzi stated that the Access board wrote ADA accessibility guidelines and the Department of Justice and Transportation adopted enforceable standards. He added that the Architectural Barriers Act, the guidelines set the authority and four other standards which cites GSA the Department of Defense, HUD and he Postal Service having to adopt the standards and then they become enforceable under the Architectural Barriers Act.

Mr. Capozzi stated that the Trump Administration issued an executive order 13771.

Mr. Capozzi stated that the Access Board will be doing a study with the University of New York at Buffalo which will look at the rights of people’s wheeled mobility devices which will give us information as to changing the height to a more defensible position.

Mr. Capozzi stated that the Department of Veterans Affairs announced an acquisition policy that would apply to new purchases of equipment across the VA health system that will incorporate the Access Board’s medical diagnostic standards.

1. **14 (c) Employment -Subminimum Wage Project**

Ms. Nicholas stated that the report will serve these purposes. They are as follows:

* supplemental study to NCD’s 2012 subminimum wage and the supported employment report;
* it will focus on the characteristics of for profit businesses that utilize 14 (c) certificates
* data collection from the report will reflect multiyear trends of usage by for nonprofit businesses as well as methods that are used to employ persons with disabilities at subminimum wage;
* look at how businesses employ nonprofit workshops to fulfill their supply chai;
* discuss the Department of Education’s notice of proposed rulemaking.

Ms. Nicholas stated that Ms. Regina Kline will also be helping capture success stories of providers who have transitioned from using 14 (c) certificates.

Ms. Regina Kline, Inclusivity Strategic Consulting stated that she has entered a cooperative agreement with the Council and will go over what the report is setting out to research. She also discussed the differences between the repot and what the Council

might have issued, researched or studied in the past.

Ms. Kline stated the scope of the report is to move from 14 (c) towards competitive integrated employment and how has the ese examples across the country been effectuated, financed and implemented.

Mr. Frieden stated that the Council has a long history of producing work that has had an impact on everyone in the United States, particularly people with disabilities. He encouraged the Council to capture the imagination of people with disabilities, advocates and friends and think toward the action and make practical recommendations, one that can be achieved together.

1. **Public Comment**

Allison, director of advocacy, Center for Public Representation, policy director for the collaboration to promote self-determination. She stated that she was a privileged member of the WIOA Advisory Committee on Increasing Competitive Integrated Employment. She stated she has a sibling with an intellectual and developmental disability who has an incredible job. She wanted the Council to be aware of the thousands of families and people with disabilities across the country that the choice that is missing is that of competitive integrated employment.

Allison stated that a letter to Secretary DeVos signed by40 disability groups which included national, state associations, DD directors, mental health directors, state education directors and VR directors supporting the workforce innovation opportunity act regulations and opposing any weakening or reopening of those regulations.

An (unnamed) individual with TASH and the youth employment solutions center stated that they are working with six of the partnerships in employment states that are working on systems change to improve the outcomes for youth and young adults with disabilities with a huge emphasis on customized employment.

Ms. Tia Ellis, Policy and Advocacy Director, TASH stated that she believes that all people should have real paying jobs and that they should be working in the community along with other people.

work.

1. **Unfinished Business**

Mr. Anthony Simpson stated on July 19 the Council will be celebrating the ADA and the swearing in ceremony of Chairman Neil Romano which will be held at the National Archives.

1. **Recess**

**MOTION:** Chairman Romano moved to recess the Council meeting until tomorrow.

**SECONDED:** Andres Gallegos

Roll Call Vote:

Neil Romano, Chairman

Billy Altom: Aye

Rabia Belt: Aye

James Brett: Aye

Andres Gallegos: Aye

Daniel Gade: Aye

Benro Ogunyipe: Aye

Clyde Terry: Aye

1. Reconvened

Chairman Romano reconvened the Council meeting at 9:00 am (CDT)

1. **Approval of the Minutes**

**MOTION:** Chairman Romano moved to accept the minutes of the May 9th Council meeting.

**SECONDED:** Rabia Belt

Roll Call Vote:

Neil Romano, Chairman

Billy Altom: Aye

Rabia Belt: Aye

James Brett: Aye

Andres Gallegos: Aye

Daniel Gade: Aye

Benro Ogunyipe: Aye

Clyde Terry: Aye

1. **Chairman’s Report**

Mr. Romano reported that the Council has gotten well underway with the 14 (c) project and other projects and that we have new staff and we are now at full staff. Mr. Romano stated that there is supposed to be a vote on the progress report, however, the Council has gotten extensive comments from the Office of Civil Rights and from with the Department of Labor which we felt needed more time. Once the report is finished there will be a teleconference to vote for its approval.

1. **Executive Director’s Report**

Ms. Grubb reported on the following:

* The Council is fully staff and we welcomed Netterie Lewis and Nicholas Sabula;
* New payroll system;
* Continued work on internal office cleanup;
* Policy interagency work group meeting updates;
* Next Council meeting to held October 23 in Jackson, Mississippi, February 7 and 8, Las Vegas, NV, May 23 and 24, Chicago,

Ms. Grubb deferred the floor to Mr. Simpson and Mr. Woods to provide additional updates.

* Mr. Anthony Simpson stated the Council will be reverting to one day meetings with the first one being in October 22 with a reception October 22 honoring the disability service of Congressman Harper. Council has submitted OSHA and EEOC reports.
* Mr. Woods stated that the Council entered into an agreement with the Department of Interior on IT cybersecurity that was approved last May and will be rolling out SharePoint. The Council is doing its DOI assessment, 514 controls have been identified (configuration management, policies and procedures, internal system connections, devices for high risk and audit review); Phase one completion is scheduled for July 31; phase two completion is scheduled for September 15.

1. **Financial Report**

Mr. Billy Altom stated the Council has a budget of $3.25 million and we have spent 46% to date. To allow adequate time to research and plan, it is necessary to shift the international project priority to fiscal year 19. As a result, $40,000 must be reallocated in this fiscal year. Approximately $20,000 is necessarily to implement additional Cybersecurity mandates. This would provide staff the flexibility to reallocate any underspent line items toward this amount. Mr. Altom stated that the executive committee would like to support additional work on the previously-approved guardianship project and the 14C project.

Billy Altom presented the proposed motion:

Reallocate $40,000K from the International Project in fiscal year 18 to --

• $20,000 to travel to support the 14C project. This will fund participation in the site visits by staff and members.

• $5,000 to support the previously approved priority of the Guardianship project. This will fund legal and academic expertise describing the relationship between guardianship law and federal law, particularly with respect to the ADA and due process rights

• $5,000 for equipment to support NCD’s public relations efforts

• Reallocate $20,000, if available from underspent line items in the current spend plan to support the Cybersecurity mandates without an additional vote.

**SECONDED:** Ms. Rabia Belt

Roll Call Vote:

Neil Romano, Chairman

Billy Altom: Aye

Rabia Belt: Aye

James Brett: Aye

Andres Gallegos: Aye

Daniel Gade: Aye

Benro Ogunyipe: Aye

Clyde Terry: Aye

1. **Governance Report**

Ms. Rabia Belt reported that there was a teleconference with the chair, Ms. Sommers and the management team to review the five-year strategic plan as well as the policy priorities she added that changes to the strategic plan are reflected in track changes of the materials that were sent out prior to the Council meeting and suggested that a vote is needed to proceed

**MOTION:** Ms. Rabia Belt moved to accept the changes to the strategic plan outlined in the track changes.

**SECONDED:** Mr. Benro Ogunyipe

Roll Call Vote:

Neil Romano, Chairman

Billy Altom: Aye

Rabia Belt: Aye

James Brett: Aye

Andres Gallegos: Aye

Daniel Gade: Aye

Benro Ogunyipe: Aye

Clyde Terry: Aye

1. **Policy Report**

Ms. Joan Durocher thanked her team for their devoted hard work and for over the last several weeks in getting all the new policy work started.

Ms. Durocher highlighted the projects that are underway. They were as follows:

* The Council has awarded the bioethics to DREDF;
* Report on institutionalization following a disaster has been awarded to Port Light Strategies;
* Two guardianship projects have been awarded to Quality Trust;
* Site visits have begun with the assistance of Inclusivity Strategic Consulting with site visits in Portland, ME, Burlington, VT, Portland, OR, Springfield, MA and Seattle, WA;
* Dental brief in which specific language was provided for healthcare extension and accessibility for developmentally disabled and the underserved population;
* Several NGO’s have been calling for an amendment and the journal of the American Dental Association published an article regarding the ethical treatment of patients with IDD;
* Final draft of school choice series one report of charter schools and one on vouchers;

Ms. Durocher stated about the charter report, it reflects those schools can work if they follow the law and aim for equity the report advises stakeholders to address or the needs of students with disabilities who do not attend charter schools and remain in traditional public schools.

She said that the report proposes a strategy focusing on students with disabilities in both charter and traditional schools as the most effective means to move forward and improve educational opportunities for all students with disabilities with respect to vouchers.

1. **Legislative Affairs Report**

Ms. Sommers reported that the house appropriations committee approved the HHH and education-related agencies appropriations bill in the full committee. The committee report language also included a new assignment for the agency and it will be tasked with several activities regarding federal guidance around able programs around the country.

Ms. Sommers stated the Council was specifically asked to conduct information sessions on able for future meetings.

Ms. Sommers stated that a full committee markup inhouse included votes to approve several amendments one being prohibiting the Administration of Medication to unaccompanied alien children. She added that another approved amendment directs$10,000,000 to fund mental health services for children separated from their families.

Ms. Sommers indicated that she has provided an update regarding legislation that had been introduced in Congress in close proximity to the Council’s sexual assault report.

Ms. Sommers stated over the course of several years the Council has attempted to work through the annual authorization of the National Defense Authorization.

Ms. Sommers gave a summary of her team’s work. She stated that Ms. Phoebe Ball has diligently gained the interest of Congressman Langevin’s office on our work and able to get an amendment proposed to the house bill for NDAA this year that successfully made it into the final bill.

Ms. Sommers stated that there is plans to co-sponsor a bicameral briefing in September on the house side but will be inviting Senate staffers to attend.

Ms. Sommers outlined other areas that are underway: They are as follows:

* Continue to meet with members of Congress and staff on 14 c;
* Word on op-ed;
* Nick brings a great deal of government communications experience and will help usher the Council into greater engagement through digital media and multimedia outreach;
* Meetings with Ridge Consulting Group

1. **ADJOURNMENT**

**MOTION:** Chairman Romano moved to adjourn the meeting.

**SECONDED:** Rabia Belt

Roll Call Vote:

Neil Romano, Chairman

Billy Altom: Aye

Rabia Belt: Aye

James Brett: Aye

Andres Gallegos: Aye

Daniel Gade: Aye

Benro Ogunyipe: Aye

Clyde Terry: Aye

The meeting adjourned at 10:12 a.m.

Date Approved by the Council:

Signature

Neil Romano

Printed Name