

PUBLIC MEETING MINUTES

Saturday, November 22, 2003 9:00 A.M.

Lincoln, Nebraska

(Meeting is available on tape.)

Approved

Call to Order and Introductions: Barbara Walker, Chairman of the Board of Commissioners, called the meeting to order at 9:20 a.m. The meeting began a few minutes late due to confusion as to location of today's meeting room.

Commissioners present: Barbara Walker, Lincoln; Bill Orester, Lincoln; Nancy Oltman, Hastings; Dorothy Westin-Yockey, South Sioux City and Bob Burns, Omaha. Walker announced her upcoming marriage to Brad Loos on December 27, 2003 in Lincoln and invited all to attend.

Commission staff in attendance: Dr. Pearl Van Zandt, Executive Director; Jan Ludwig, Administrative Assistant; Carlos Serván, Deputy Director of VR; Bob Deaton, Deputy Director of IL; Karen Mosier, Transition Program manager; Connie Daly, Lincoln District Supervisor; Mary Davis, Orientation Counselor; Larry Mackey, Rehab Counselor; Shane Buresh, Orientation Counselor; Amy Buresh, Transition Counselor and National Federation of the Blind of Nebraska President; Terry Harris, Business Enterprises Administrator; and Jeff Altman, Orientation Counselor. All Commission staff in attendance work out of the Lincoln NCBVI office.

Members of the public: Vicki Rasmussen, Lincoln; Howard Simons, Grand Island; Elizabeth Harris, Cortland; Hardy Holm, Lincoln; Amy Mason, Lincoln; Jamie Forbis, Lincoln; Ryan Osentowski, Lincoln; Wesley Majerus, Lincoln; Mary Susan Orester, Lincoln; James S. Nyman, Lincoln; Brent Heyen, Lincoln; Dave Samson, Lincoln; Dave Hunt, Lincoln; Fritz Yockey, South Sioux City; Evelyn Haines, Lincoln and Hubert Paulsen, Lincoln. Audra Kramer, Janice Shafer and Lleana Messer, all from Lincoln, did join the public later.

Walker welcomed everyone and thanked all for coming.

Walker also stated that there were two items to be added to New Business: The Governor's Agencies Boards and Commissions form and Comments concerning Newsline®.

Announcement Concerning Public Comments and Tapes of Meetings: The meeting tapes are available from each NCBVI office. Walker encouraged public participation outside the designated comment period; however, it will be at the discretion of the Chairman whether or not there is allowable time.

Approval of Minutes of the August 2, 2003 Meeting: Orestor moved the draft minutes become the approved minutes of the August 2, 2003 meeting and Oltman seconded the motion. Approval was unanimous. The minutes will be moved to approved status.

Focus Topic: Vicki Rasmussen, Director of the Client Assistance Program (CAP), presented the Focus Topic on CAP. Several questions were directed to Rasmussen from the Board as well as from the public.

Report from the Chairman: Staff appreciation day was September 26th and Walker apologized for not sending an e-mail to the NCBVI staff; however, she expressed publicly the Board of Commissioners' appreciation to the staff. Walker enjoyed participating in the formulation of the Mentoring grant which was a positive process working along with staff even though it was not funded. Hopefully, we'll have a chance to use this material in the future. August 8, Walker met with Van Zandt to follow up on the executive session held August 2. September 5, Walker attended the Committee of Blind Vendors meeting in Grand Island. She thought the interaction there was productive.

Walker was awarded Outstanding Citizen of the Year by the Lincoln East Rotary Club. November 1, Walker reported to the National Federation of the Blind of Nebraska Convention in Omaha about the activities of the Board over the past year. November 13, Walker attended the Winnerfest session and presented information on life skills to the youth participating. She was pleased with the exchange of ideas there. Walker publicly congratulated Connie Daly upon her being named Supervisor of the Year and Connie Carlow for being named Employee of the Year.

Report from the Executive Director: Van Zandt presented and held a public forum at the National Federation of the Blind of Nebraska state convention, attended a VIPs peer support group, and spoke to the Nebraska Association of the Blind in Nebraska City. Van Zandt presided over her final national meeting of the National Council of State Agencies for the Blind (NCSAB) in San Francisco just a couple weeks ago. Her term of presidency of the NCSAB will conclude the end of December. Van Zandt shared a beautiful plaque from CANAR, a Consortia of Administrators for Native American Rehabilitation for appreciation of devoted service to the mission of CANAR to improve the quality of life for American Indians with disabilities. The plaque will be passed on to the next NCSAB president. During these meetings, Van Zandt had the opportunity to meet with Commissioner Wilson of the Rehabilitation Services Administration (RSA), and learned there was only one Mentoring Grant funded. Deaton will share the recorded comments from the grant reviewers with the Board of Commissioners. NCSAB appears to be coming closer to coming up with a solution to claiming costs within Center training programs which will be beneficial in Social Security (SS) reimbursements. Serván presented Nebraska's program on Transition during a panel at the NCSAB meeting. Van Zandt reported on the RSA Monitoring review. We discovered there does need to be more documentation in some case files so this is being worked out. Van Zandt participated in the Vendor's Committee meeting in Grand Island. NCBVI is working on policies relating to staff attending consumer conventions, performance evaluations, and mentoring opportunities. Van Zandt is on the Workforce Board and one of the items she is working on is to make sure the Workforce's annual report is accessible. The Governor's Summit was part of the Workforce Development which several staff attended. Other activities within NCBVI are College Prep workshop and Winnerfest.

The new budget analyst from the Governor's Office, Elton Larson, toured the Center. The signing ceremony for the proclamation for White Cane Day was October 22nd. Van Zandt publicly acknowledged the NCBVI Staff during September 26th staff appreciation day, and the Governor's awards recipients, Connie Daly and Connie Carlow. State staff meeting was held in Kearney recently with speakers on placement and career search using their approach called Open Your Parachute. Also, Mark Schultz, Director of the Assistive Technology Program, spoke to us. Task Forces have been formed to develop guidelines and plans for focusing the work more effectively. Statistics were reported. The Ticket to Work, a program of the Social Security Administration, was discussed. We received a set of tapes and workbook on Public Meeting Laws. A letter of permission has been sent for duplication. Burns agreed to take the tapes and review their content. The Rehab Act which is part of the Workforce Investment is still in Congress. We don't yet know what the outcome will be.

Old Business:

Rule Update: Van Zandt reported communication has been received from the Attorney General's office and they have found no further problems with the content of Chapters One and Three. A new Certificate of Adoption needs to be completed for Chapters One, Two and Three. Burns moved we complete a new Certificate of Adoption for Chapter One. The motion was seconded by Orester and there was unanimous approval by the Board. Burns moved to complete the new Certificate of Adoption for Rule Chapter Two. Orester seconded the motion and there was unanimous approval by the Board. Burns moved to complete the new Certificate of Adoption for Rule Chapter Three. Orester seconded the motion and there was unanimous approval by the Board.

Budget Update: To date, we have received a continuing resolution of our grants which carried us to October 28. The transition and In-service training grants have been received in full.

Web site Update: Jim Jirak is volunteering as Web Master at this time. Burns moved and Orestor seconded that the current draft minutes be put up and then archived once they have been approved; and that the focus reports be both attached to the minutes and archived in a separate folder. Motion passed unanimously. Van Zandt will send a test through the virtual suggestion box. The mail list now has over sixty subscribers. In the month of October, there were 3284 successful requests on the Web Site.

Friends of the Commission Update: Walker received the October 20th meeting minutes from James Nyman, Friends Secretary. She will forward them to other Commissioners. She will also make sure that Secretary Nyman has the Board's address (commission-board@nol.org) so that he may send them to the entire Board in the future. She will also make another request for Treasurer's Reports to be sent to the Board. The next meeting is coming up November 24th at noon in the NCBVI conference room.

Walker called for a 10-minute break. At 12:45 PM the meeting reconvened.

NIS Update: Wesley Majerus is doing an excellent job working with the NIS people doing testing. Majerus is working closely with Bill Brown in areas he and Dave Robinson use NIS daily. It appears we take one step forward and two back.

Public Comment: There was none at this specific time, but there was much interaction from the public throughout the meeting.

New Business:

Response to Issues Raised at August 2 Meeting Concerning Business Enterprises, Dave Hunt, President, Committee of Blind Vendors: Walker read a letter of thanks and apology to Dave Hunt, President of the Committee of Blind Vendors after which she welcomed Hunt to address the Board.

During the August 2nd Board of Commissioners meeting, Mr. Hunt felt reference was shed in a negative manner as to how his vending stand is being run. Hunt shared letters of endorsement from Larry Eastman, Building Director at the State Office Building; and Linda Mack, a former employee of Hunt who has held management positions both with Valentino's and currently with Subway. Hunt also shared a satisfaction survey which he initiated in his vending area. Hunt reported positive feedback from patrons of his business. Walker commended Hunt for being proactive and encouraged use of innovations such as the satisfaction survey throughout the program. Since the Business Enterprises has a committee, Commissioners would appreciate its participation along with the administrator when the Board focuses on vending issues in the future.

Request for Guidance Concerning Braille on Vending Machines, Dave Hunt, President, Committee of Blind Vendors: There was much discussion on making Braille available on vending machines. Van Zandt reported that Braille labelers have been purchased and issued to the vendors to expedite the process. Brent Heyen volunteered to share with vendors a method he used in Chadron for dealing with this. Walker requested an update at the next Board meeting. There was discussion about having the NCBVI Headquarters as a test site. This building is currently not part of the Nebraska Business Enterprises. Walker requested feedback concerning NCBVI's using machines in its building for testing with Braille. Hunt reported that the Committee of Blind Vendors and NCBVI are working with Senator Aguilar toward his sponsoring a State Randolph-Sheppard Act, which will make vending sites available in places other than Federal property.

Minutes on the Web Site: Reported earlier.

Questions Concerning NCBVI's Transition Programs: Interaction was lively on the subjects of skills training, accessibility to technology and general information, length and type of canes used, expectations of staff and students, the hiring of blind staff, etc.

Governor's Agencies Boards and Commissions Form (E-Government): Van Zandt read a letter she received on November 19th from the Governor referring to the annual E-Government conference that was held on November 18th. Van Zandt requested the Board respond to this letter regarding the accessibility issue. Burns will write the first draft and send it to Walker to tweak and she will send it to Ludwig to put on Letterhead.

Comments concerning NFB Newsline®: Osentowski reported on a meeting he attended in Baltimore at which there was discussion of some technologies which may eliminate the problems we have been having with getting Commission Board Minutes up on Newsline®

Focus Topic for Next Meeting: The Board asked to have technology be the focus topic for the next meeting. Commissioners would like to interact with Jonathan Ross concerning technology in general and with Jim Jirak in his role as Web Master.

Location, Date and Time of Next Meeting: The Board voted to hold its next meeting in Omaha on February 21, 2004, at 9:00 AM.

Other: Van Zandt talked about the taping of meetings and thanked Paulsen for recording today's meeting.

Osentowski stated that he had addressed the chair at the beginning of the Transition item on the agenda and was not recognized. Board members stated that they had not heard him. Apologies were expressed. Osentowski agreed to attend the February 21st meeting and bring up his concern at that time rather than continue the current meeting.

Adjourn: Meeting adjourned at 3:45 PM.

Respectfully submitted,

Jan Ludwig, Staff Assistant

Barbara Walker, Chairman
NCBVI Board of Commissioners

CLIENT ASSISTANCE PROGRAM

Today I am here to talk about the Client Assistance Program, which is commonly referred to as CAP. I am Vicki Rasmussen and I am the Director of the Client Assistance Program and I have been the Director for close to 17 years. I am housed at the State Office Building here in Lincoln.

Every state and territory, as a condition for receiving federal allotments under Section 110 of the Rehab Act, must have a CAP. The Client Assistance Program has been around since 1973 first as a project and then was established as a mandatory program by the 1984 Amendments to the Rehabilitation (Rehab) Act.

The Nebraska CAP is unique. When the funding for the projects were taken away from each State, Nebraska Vocational Rehabilitation felt the idea of CAP worked and they kept a CAP going with their own staff person and money. So when the Rehab Act Amendments made it mandatory for each state to have a CAP, those states that had continued a CAP without federal dollars were grandfathered in. Which meant, the CAP could remain within Vocational Rehabilitation. Most CAPs are within the Protection and Advocacy agencies. There are probably 7 CAPs internal to Voc Rehab. On Wednesday afternoons I am housed at the Commission. I feel this has been very beneficial to the relationship between NCBVI and CAP. This gives me the opportunity to meet with Dr. Van Zandt and to have access to all other staff as well. This has allowed me to develop a working relationship with staff instead of just contacting staff when I have a complaint from a client. CAP's relationship with the Commission has come a long way from being denied any further access to files because I disagreed with a decision that was made, to now being housed there on Wednesday afternoons. I am very involved with the Placement Committee and attend Administrative Staff Meetings, District Meetings, Statewide Staff Meetings, Philosophy Session every other Wednesday and any other meetings that I possibly can. I present about CAP to new staff and at the College Workshop. A few years ago I went through two weeks of training through the Nebraska Center for the Blind, which really helped me to understand what services clients are receiving while at the Center.

Who can the Client Assistance Program Serve?

CAP is for vocational rehabilitation clients and client applicants who are seeking or receiving services from a project, program or facility funded under the Rehabilitation Act. Which means, I handle the complaints and concerns for clients or applicants of the general Vocational Rehabilitation agency, the Nebraska Commission for the Blind and Visually Impaired, Worknet and the Centers for Independent Living (League of Human Dignity).

What is the Client Assistance Program?

CAP is funded by the U. S. Department of Education in all states as separate grants. The Client Assistance Program helps people with disabilities who are seeking or receiving vocational rehabilitation services by:

Providing information about the federal Rehabilitation Act, including

How the state can help you get, keep or advance in work

How do you qualify

How you pilot your own rehabilitation

The purpose of the Rehabilitation Act

Your rights under the Act

Assisting individuals who have problems applying for or receiving services under the Act.

Teaching how to make requests to the agency or counselor

Referring to other agencies if needed

Negotiating a resolution

Mediating disputes

Advocating for the client with the agency

Presenting requests to the agency on behalf of the client

Obtaining legal representation when appropriate

Solving communication problems

When and how to contact the Client Assistance Program?

Call the Client Assistance Program for any of the following reasons:

How is the person eligible for rehabilitation services

Not allowed to complete an application

Disagree with any decision to deny, stop or delay services

Cannot get a written decision on a request that has been made
Not allowed enough choice in your rehabilitation program
If there is a disability-related problem, and you do not know where to go to get help
If a staff person is not following through or not returning phones calls.

You can contact CAP at 800.742.7594 or 471.3656

What Happens when CAP is Contacted?

When an individual contacts CAP I will listen to their concern, explain the role of CAP and send a release of information form. Once I receive the release form I contact Bob or Carlos and make them aware of the contact. (Bob if it is an IL issue and Carlos if it is a VR issue.) I will then visit with the staff person involved and review the case file. I will follow up with the staff person or client if I have further questions. I then determine if an appropriate decision was made according to the rules and regulations. If I support the decision I will explain to the client why. If I feel the decision is not supported I will visit further with the staff person and explain why I disagree. If the staff person stands by their decision and I still disagree I will visit with the supervisor or Carlos to explain why I disagree and a possible resolution. If I feel a decision has been made that is in conflict with the rules and regulations and NCBVI will not overturn the decision I will assist the individual through the impartial hearing process with representation of an attorney.

Every effort is made to resolve the concern at the lowest level. The NCBVI also believes this and every attempt is made to resolve the concern or to help the client understand the reason for the decision and what can be done to move the case forward.

Last year I had a total of 55 cases and two of those were with NCBVI. This year I had a total of 59 cases and two of those were with NCBVI. This year's cases were 1) Disagrees with decision to repair computer 2) Disagrees with eligibility decision.

