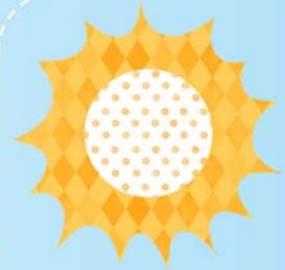


# Community Update

APRIL 2016

VOLUME 3, ISSUE 13



## DD Council Office Relocates

On February 26, 2016 the Council moved to the Lewis Cass Building, 320 S. Walnut Street, Lansing, MI 48913, located between Washtenaw and Kalamazoo Streets. Our new office space is located on the garden level of the Cass Building. It may be accessed by entering the building on Washtenaw Street. This is a secure building and you will need identification to enter and the guard will call our office.

Our main phone number has not changed. It is still 517-335-3158. Our individual numbers have changed. If you don't know the numbers for staff, you may call 517-335-3158.

Please update your records with our new address:

Lewis Cass Building  
Garden Level  
320 S. Walnut Street  
Lansing, MI 48913

Feel free to contact us with any questions you may have concerning the new location.

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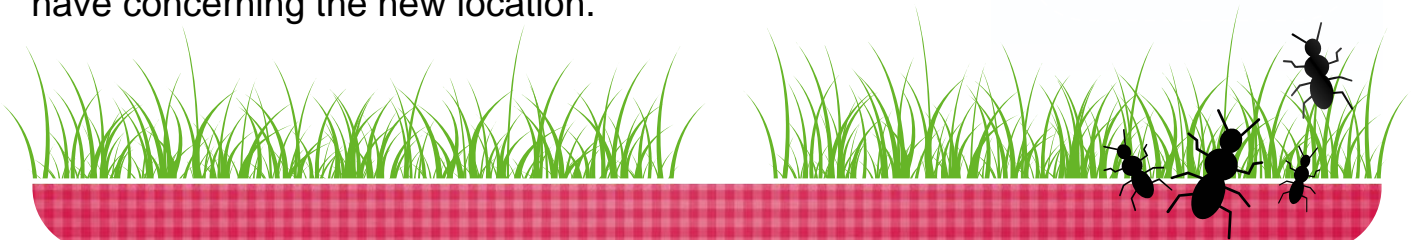
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### **Council Members**

**Chair:** Kristen Columbus-*Family Member*

**Vice-Chair:** Paul Palmer-*Self-Advocate*

Justin P. Caine-*Self-Advocate*

Heidi A. DeVries-*Self-Advocate*

Kristin L. Kleinheksel-*Self-Advocate*

Jeremiah J. Prusi-*Self-Advocate*

David J. Taylor-*Self-Advocate*

Jill Barker-*Family Member*

Robert L. Brown-*Family Member*

Deborah Rock-*Family Member*

Andrea Sargent- *Family Member*

Richard Suhrheinrich-*Family Member*

Marnie Wills-*Department of Licensing and Regulatory Affairs*

Elmer Cerano-*Protection & Advocacy Services*

Jane Reagan-*Michigan Department of Education*

Deborah Wiese- *Michigan Department of Health and Human Services*

Barbara LeRoy- *DDI-University Centers for Excellence*

### **Council Staff**

Vendela M. Collins-*Executive Director*

Yasmina Bouraoui-*Deputy Director*

Dee Florence-*Advocacy Secretary*

Shelia McCulloch-*Executive Secretary*

Tedra Jackson -*Grants Manger*

Meredith Smith-*Communications Representative*

Tracy Vincent-*Resource Analyst*

Brett Williams-*Public Policy Analyst*

## Council Voted to End Subminimum Wages in Michigan

At the April 5, 2016 Council Meeting, members heard from the public on 14(c) waivers.

The federal Fair Labor Standards Act currently allows employers of people with disabilities to apply for “authorizing certificates” from the U.S. Department of Labor to pay special minimum wages (SMWs) “to workers with disabilities whose productive and earning capacities are impaired for the work being performed.” For people with developmental disabilities, wage certificates are used primarily by sheltered workshops (facility-based employment or skill-building programs) based on the individual productivity of the worker with a disability (no matter how limited) compared to the productivity of experienced workers who do not have disabilities.

At these workshops, over 8,100 people with disabilities in Michigan were being paid less than minimum wage, making an average wage of \$2.75/hour, in 2013.

At the council meeting, 19 people gave either written or public comment. The majority of the comments were against the use of sub-minimum wages, with references to 14 (c) certificates as being an outdated policy, rooted in old stereotypes of people with disabilities as “less productive”, and promoting inequality between people with and without disabilities. Those who wanted the subminimum wage to continue argued that their elimination might result in fewer choices for people with disabilities. After discussion among Council members, the Council voted to support amending current legislation to prohibit the ability under the state law of employers to pay less than the minimum wage to persons with physical or mental disabilities.

### History

The Economic Justice Workgroup and Public Policy committee recommended an action on 14(c) waivers in Michigan to the DD Council at the January 5, 2016 Council meeting. The groups had a joint meeting to continue the conversation surrounding sub-minimum wages. There was extensive dialog, during which it was generally agreed, that the DD Council should support amending current legislation to prohibit the ability under the state law of employers to pay less than the minimum wage to people with physical or intellectual disabilities.

## Council Welcomes New Executive Secretary



On March 28th the Council welcomed Sheila McCulloch, the new Executive Secretary. Sheila has worked as an Administrative Assistant for the past 14 years and spent the last five years with Michigan Department of Transportation (MDOT).

During her time with MDOT she provided administrative support to the Pavement Operations section. In addition to working at MDOT, she previously worked with Michigan Department of Community Health Director's office under Janet Olszewski for eight years.

Sheila is a resident of Lansing, and has three wonderful children. One of which, she is proud to share, is a U.S. Marine! She enjoys spending time with her family, traveling, reading, dancing, and maintaining a fabulous collection of stylish shoes! The Council is extremely excited to welcome Sheila to our staff!

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## Community of Practice (CoP) Grant

Michigan has been selected to participate in the expanded Community of Practice for Supporting Families Across the Life Span Grant. The Community of Practice (CoP) is a grant awarded to National Association of State Directors of Developmental Disability Services (NASDDDS) by the Administration on Intellectual and Developmental Disabilities (AIDD).

The initiative is to gain consensus on issues related to supporting families at both the national and state level. It would also inform practices and identify policies for advancing family supports. This initiative would focus on working together to further define and build collaborations within and outside the disability system for supporting families throughout the lifespan, ensuring that community integration is the standard of all the work.

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## Office of Disability Employment Policy (ODEP) Grant

The Council continues to work with partners to advocate for Employment First! policy at the state level through implementation of the Office of Disability Employment Policy (ODEP) technical assistance (TA) grant. Four focus areas are underway in 2016: provider transformation, rate reform, provider training, and mapping the transition system.

- **Provider Transformation** – Four providers were selected to receive TA from ODEP in 2016.
- **Rate Reform** – Three providers are receiving TA on innovation contracting and purchasing methods.
- **Provider Training** – 10 providers will receive capacity building training on the Association of Community Rehabilitation Educators (ACRE) curricula, in a ‘Train the Trainer’ format.
- **Mapping the Transition System** – Representatives from all state agencies are working on a ‘Super’ Memorandum of Understanding (MOU). TA will be provided to four interagency pilot sites, which will be working on local agreements and revamping processes and procedures to ensure seamless transition to employment for youth in transition. The four participating sites are teams from:
  - o Bay-Arenac Counties
  - o Clare-Gladwin (CG), and Crawford, Ogemaw, Oscoda, and Roscommon Counties (COOR)
  - o Macomb County
  - o St. Joseph County

**CONGRATULATIONS** to all the providers, state agencies, and communities working to increase competitive, integrated employment for persons with disabilities! Together we can!



## Restraint and Seclusion

Lieutenant Governor Brian Calley held a press conference to announce the introduction to bills restricting the use of restraint and seclusion in all Michigan schools on March 1, 2016.

The initial draft of this legislation was divided into separate bills that were introduced in both House (HB5409 – HB5418) and Senate (SB835-SB838).

These package of bills detail explicit definitions of restraint and seclusion, under what circumstances can any form of these practices be used, reporting requirements, data collection on usage, the implementation of positive behavioral supports, as well as other provisions. Currently, the bills are sitting in the Education Committee in both chambers.

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- Physical restraint is defined as “a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely .”<sup>1</sup>
  - Seclusion is defined as “the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.”<sup>1</sup>

<sup>1</sup>U.S. Department of Education, Restraint and Seclusion: Resource Document, Washington, D.C., 2012



## ABLE Act

Achieving a Better Life Experience (ABLE) accounts are closer to becoming a reality in Michigan. The Council invited Scott De Varona from the Michigan Department of Treasury to a public policy workgroup meeting to discuss the progress of establishing ABLE accounts in Michigan. Mr. De Varona shared that the department is working diligently to create the best ABLE program in the country so that people will look towards Michigan to open their ABLE accounts here regardless of where they currently live.

Mr. De Varona answered the following questions:

Q: What types of expenses can be paid for with ABLE funds?

A: ABLE accounts can be used to pay for disability related expenses such as housing, education, transportation, medical expenses, and most other disability related expenses. However, alcohol, gambling, and other types of expenses not related to your disability will not qualify.

Q: How much can you deposit each year into an ABLE account?

A: Currently, you are able to deposit up to \$14,000 annually into an ABLE account which will be adjusted annually.

Q: Are ABLE accounts transferable?

A: ABLE accounts may be transferable but the beneficiary must be a family member and meet the same eligibility qualifiers established under federal law.

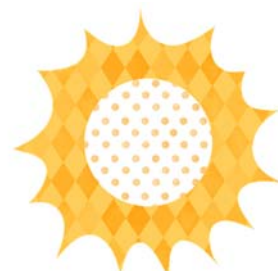
Q: what happens to your account at the time of your passing?

A: Your account may be transferable as described above. However, Medicaid may have claim to monies remaining in the ABLE account for reimbursable expenditures as guided under Medicaid policy. After Medicaid has been paid the remaining balance will go through standard heirship procedures.

The DD Council will keep you up-to-date as more information becomes available. Here is a link to the Social Security Administration website for more ABLE information :<https://secure.ssa.gov/apps10/poms.nsf/lnx/0501130740>



## Workgroups



### Transportation

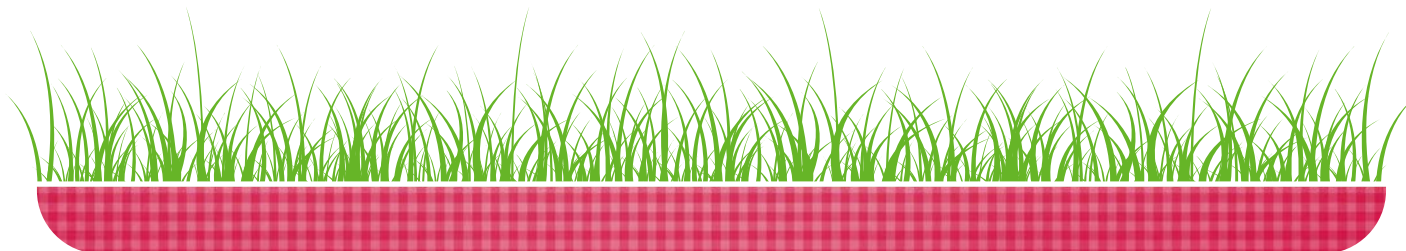
- The Transportation Workgroup (TWG) has been following HB5002 Michigan Vulnerable Roadway User legislation, which adds additional protections to people with and without disabilities who use our public roadways by adding expanded definitions for vulnerable roadway users.
- Great progress has been made in the design of the Universal Reduced Fare Card and corresponding application. The work group has completed the design and should be finalized during the next meeting.

### Health issues

- The workgroup met with the Michigan Department of Health and Human Services to address concerns regarding the common formulary going into effect on April 1, 2016. Among these concerns, we discussed the notification people would receive if their medications were no longer covered, step therapy procedures, the grandfathering of medications, and explaining how someone may file an appeal if their prior authorization is denied.

### Individual Family Support and Education Advocacy (IFSEA)

- IFSEA is assisting MI Family Voices in revising the resource toolkit for individuals and families.
- IFSEA is focusing efforts on self-determination. Staff and members attended the Self-Determination Leadership Seminars offered through Michigan Association of Community Mental Health Boards (MACMHB) to gain a better understanding of the person-centered planning process, independent facilitation and other tools that lead to a self-determined life.
- IFSEA continues to monitor legislation that affects individuals and families. Currently, IFSEA is monitoring seclusion and restraint, and ABLE Act.





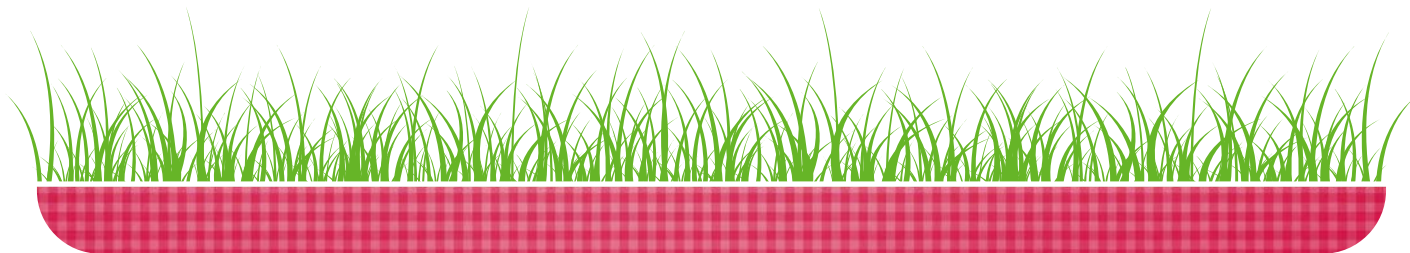
## Workgroups

### Housing

- Bills SB395 and HB4719 would provide an income tax credit so that Michigan residents can afford to make their homes more accessible. The workgroup wrote a letter of support to Multiple Sclerosis (MS) Society, and senate finance committee and senators.
- National Housing Trust Fund (NHTF) will be rolling out this summer for the first time. Michigan State Housing Development Authority (MSHDA) is in the process of creating procedures.
- The workgroup submitted comments to the Michigan Department of Health and Human Services (MDHHS) on the state's transition plan for Home and Community– Based Services (HCBS).
- The group bought a booth at the Building Michigan Communities Conference that will be held April 25-27th.

### Economic Justice (EJ)

- The workgroup continues to advocate for Employment First! Policies at the state level, primarily through implementation of the Office of Disability Employment Policy (ODEP) Technical Assistance (TA) grant.
- At the November 24, 2015 meeting, the workgroup passed a motion to recommend to the DD Council that state legislation should be pursued that would either repeal or phase out the use of sub-minimum wage protections under a 14(c) contract.
- The workgroup held its Poverty Simulation on March 9, 2016. It was facilitated by Rachael Diskin from Community Economic Development Association of Michigan (CEDAM). There were 29 participants.



## Committees

### Public Policy Committee (PPC)

- The committee has been following federal legislation, H.R.188 and S.2001. This legislation would eliminate the use and issuance of 14(c) waivers.
- The committee has been following S.2427 which addresses the right for people with disabilities to live within the community rather than institutions. It also attempts to “clarify and strengthen the Americans with Disabilities Act (ADA) integration mandate in a manner that accelerates State compliance.”
- The committee has submitted comments to several state and federal Notices for Proposed Rule Making (NPRM). These include responses to Workforce Innovation and Opportunity Act (WIOA), State Unified Plan for WIOA, Home and Community Based Services (HCBS), and 1115 Transition Waiver Request.

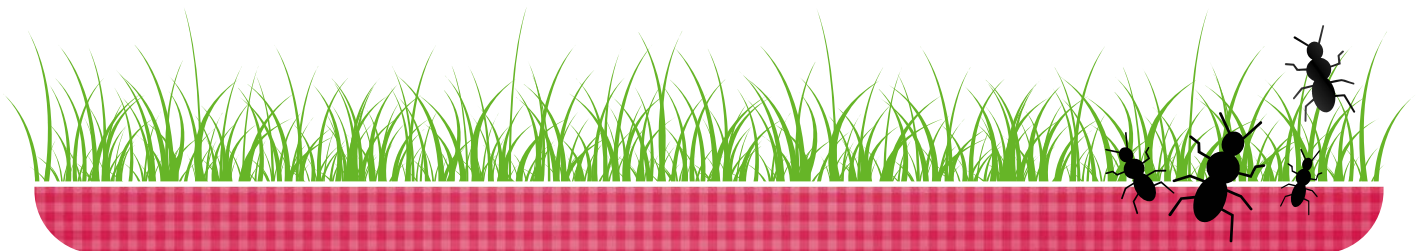
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### Program Committee

- The program committee is focused on planning for the 2017-2021 Five-Year Plan, which outlines the Council’s priorities.

### Diversity Committee

- The committee decided to focus on helping Regional Inclusive Community Coalitions (RICCs) with inclusion and outreach activities in their community. If you would like to get involved in your RICC or the Diversity Committee, please contact Tedra Jackson at [jacksont7@michigan.gov](mailto:jacksont7@michigan.gov).



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