

Commission for the Blind
FINAL MEETING MINUTES

Regular Meeting
February 7, 2019, 10:00 AM

Commission for the Blind
2905 Rodeo Park Dr. E. Bldg. 4 Suite 100
Santa Fe, NM 87505

1. Call to Order

Chairman Schreiber called the meeting to order at 10:00 AM.

2. Roll Call

Chairman Schreiber took roll, and present were Jim Babb, Urja Lansing, and Art Schreiber.

3. Introduction of Guests and Staff

Staff present included Greg Trapp, Director; Kelly Burma, Skills Coordinator; Jim Salas, Deputy Director; Kevin Romero, Deputy Director; and Janelle Gonzales, Finance Manager. Guests present included John Kreienkamp, Assistant Attorney General; Brian Colón, State Auditor; Natalie Cordova, Deputy State Auditor; Lynette Kennard, Financial Audit Director; and Kevin Chavez, Audit Supervisor.

4. Approval of Agenda

Mr. Babb moved to approve the agenda, and Ms. Lansing Seconded. A vote was taken and the agenda was approved unanimously.

5. Approval of minutes of Meeting of December 6, 2018

Ms. Lansing moved to approve the minutes, and Mr. Babb Seconded. A vote was taken and the minutes were approved unanimously.

6. Chairman's Report, Arthur A. Schreiber

Mr. Schreiber said that we were honored to have Brian Colón at the meeting

7. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp seconded Chairman Schreiber's comments, and said that he appreciated the work that Kevin Chavez and Lynette Kennard did in conducting our audit. Mr. Trapp said that the agency had its House Appropriations and Finance Committee hearing on January

21, 2019. He reported that the agency was able to get the LFC recommendation of a \$97,000 increase. He said it was very helpful to have all of the Commissioners present, and that Chairman Schreiber did a great job of representing the agency. Mr. Trapp said that Tom O'Brien and Kaitlyn Ellis from the State Rehab Council were present, as well as Don and Nancy Burns representing the National Federation of the Blind. Mr. Trapp said that Dr. Robert Reidy was also present. Mr. Trapp said that they all spoke very passionately on behalf of the Commission.

Mr. Trapp said that HB-96, the Blind Parents Rights Act, was currently in the House judiciary committee. He also reported on House Joint Memorial 3 which would exempt persons with disabilities who had income below \$15,000 from paying property tax. He said he was concerned that the proposal of HJM-3 did not contain any incentives that would allow or encourage work activity.

Mr. Trapp said that the financial disclosure statements for himself and the three Commissioners had been submitted on time to the Secretary of State Office, meeting the January 31 deadline. Mr. Trapp said that he reported his USS New Mexico book in his financial disclosure statement, even though 100 percent of the royalties go to the Navy League.

Mr. Trapp said that the White House has renominated Mark Schultz for the position of Commissioner of the Rehabilitation Services Administration. He said that not having a Commissioner is a concern since the lack of political leadership meant that RSA was less likely to take any action to address the serious problem of agencies being unable to spend all of the Pre-Employment Transition Services funds and to address issues related to federal prior approval.

Mr. Trapp said that he has submitted a request to the Governor's Office that the agency be given authority to make decisions regarding out-of-state travel. He said that this request was more in line with federal requirement that the agency be solely responsible for the allocation and expenditure of VR funds under 34 CFR 361.13(c)(1)(iv). Mr. Trapp said that the Commission had voted at the last meeting to authorize out-of-state travel, and that travel would be in accord with the travel provisions in the Commission's Allowable Cost Policy and Procedure.

b. Administration and Finance, Kevin Romero

Mr. Romero reported that the Commission was in compliance with the 50 percent rule requiring that no more than half of the budget be spent for the first half of calendar 2018, and that the agency has sufficient budget for the remainder of state fiscal year 19. He said that he believe that with the additional \$97,000, the agency will have sufficient funds for 2020. Mr. Romero said that he is looking forward to finalizing the Purchase Card Policy, and having it available in the next year. There was discussion as to whether the policy needed to be approved by the Commission, and Mr. Kreienkamp said it was in a grey area, but that he thought that Mr. Trapp could approve and later bring to the board for later ratification and approval.

Mr. Romero said that the agency was in the process of moving the office in Farmington, and that the move would be on February 18. He said that they were also looking for new

space in Las Vegas and in Las Cruces. Mr. Romero said that they were negotiating new Xerox copy machine leases.

Mr. Salas asked about the accessibility of the Xerox machines, and Mr. Romero said that Xerox has software and that the machines will be accessible.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas reported on recruitment for vacant positions, including the technology manager, the Albuquerque receptionist, and the Las Cruces, Farmington, and Albuquerque counselor vacancies, saying that he is working to fill the positions. He said that they are reviewing applications for the Albuquerque counselor position, and conducting interviews for the receptionist. He also said that the Independent Living staff manager reclassification had been approved by the State Personnel Office.

Mr. Salas said that the vocational rehabilitation program had in the current state fiscal year placed 7 persons in integrated setting, and 1 in self-employment. He said that the average wage for the state fiscal year was \$15.80 per hour, and that it was \$18.97 for the federal fiscal year. He said that three persons were placed in supported employment, and that 27 consumers were in employment status, and that he was projecting another 15 or so placements by the end of June. Mr. Salas said that he was happy with the supported employment numbers, and he described the types of placements, saying that two were at restaurants and one was at a book store.

Mr. Trapp talked about the Supported Employment match issue, describing how the Rehabilitation Services Administration had provided incorrect instructions for the Federal Fiscal Year 18 Supported Employment grant, and that the Commission had relied on those instructions. The instructions said the Supported Employment B funds had to be "fully" matched. Since the agency would not be able to "fully" match the Supported Employment B funds, the Commission did not match any of the Supported Employment B funds. Mr. Trapp said that as the agency researched this issue, they found that the Supported Employment A funds did not require a match, and that they should have been available for carryover. He said that he was advocating that the Supported Employment A funds should be available. He said that the Supported Employment grant was only \$55,000, but that the Supported Employment funds were now more important because of the negative impact of Pre-ETS on the agency budget. He said that the Rehabilitation Services Administration had issued a FAQ agreeing with the Commission's position, and that the FAQ had only recently been removed from the RSA web page.

Mr. Babb talked about the new 529 ABLE Accounts, and Ms. Lansing commended the Commission for helping consumers to work where they want.

d. Orientation Center, Lucy Mallahan

Mr. Schreiber introduced Ms. Mallahan, and described the work of the Orientation Center

Speaking by conference phone, Ms. Mallahan reported that there were currently 10 students participating in training, and that she expects 2 students to graduate in February. She said that 2 more students would be starting in March, and that four were on the waiting list. She said that they were working to fill a personal management and technology

instructor position, and planning to open hiring for the secretary position. She also talked about work done at the Center by the Facilities Management Division to improve fire doors and provide roof access.

Ms. Mallahan said that Dr. Edward Bell would be at the Orientation Center for a site visit on February 19, saying that he would be conducting a recertification visit on behalf of the National Blindness Professional Certification Board. She said that there would also be a CARF survey visit in August of this year.

Chairman Schreiber asked Ms. Mallahan to explain the Center's certification and CARF accreditation. Ms. Mallahan said that the NBPCB certification was of the Center as a Structured Discovery Center. She said that Structured Discovery was a teaching method that empowered students to become more independent. She said that the Orientation Center was one of only six NBPCB certified centers in the country. She described CARF accreditation as a process whereby the Center is shown to be following best practices and that the staff receives proper training.

Mr. Trapp said that the Commission on Accreditation of Rehabilitation Facilities, or CARF, was a nationally recognized accreditation body, and that the accreditation was one way that the Commission can help reduce potential liability, while also demonstrating to students that the Center is an accredited facility.

Ms. Mallahan said that the Center had been NBPCB certified since 2009, and CARF accredited since 2010.

Mr. Babb said that CARF was a good organization, and that he was involved with CARF when he was on the board of Goodwill.

Mr. Schreiber talked about how the Center used to be able to accept independent living students, including blind seniors, but that funding restrictions now keep that from happening.

Ms. Mallahan reported on the dormitory, saying that things were going well without the staffing of the nightshift.

e. Skills Center, Kelly Burma

Ms. Burma reported that the Skills Center was in an area that used to be a sheltered workshop, saying that in the past blind persons would be placed in a sheltered workshop no matter how skilled or intelligent the person might be. She said that the Skills Center is used to teach Braille, home management, personal management, and assistive technology. Ms. Burma said that the Skills Center is currently serving 4 persons regularly, one of whom is eligible to receive Pre-ETS services. Ms. Burma said that the Skills Center Provided a workshop on Unified English Braille to 13 persons on February 2, 2019, and that the workshop was in preparation for the exam for National Certification in Unified English Braille, or NCUEB. She concluded by saying that the Technology for children program had just worked with 2 students.

8. Unfinished Business

a. Pre-Employment Transition Services Update, Greg Trapp and Jim Salas

Mr. Trapp said that the Pre-Employment Transition Services requirement was a miscalculation on the part of Congress, and that it was forcing many vocational rehabilitation agencies to lay off staff and implement waiting lists for services. He said that the strict interpretation of what was allowable meant that agencies were not able to spend all of the Pre-ETS reserve. He said that there was a very strict definition of student, and that agencies were not able to use the Pre-ETS reserve to pay for items such as college tuition or computers. Mr. Trapp said that administrative costs could also not be paid for using the Pre-ETS reserve.

Mr. Trapp said that the agency has carried over the FFY 18 Pre-ETS funds, but that he believes that the best approach is to begin spending the Federal Fiscal Year 19 reserve. He said that this would enable the agency to be in compliance in FFY19, and hopefully RSA would have granted some more flexibility for spending Pre-ETS funds so that they could be in compliance in future years.

Mr. Trapp said that on October 31, he and Carol Pankow, the President of the National Council of State Agencies for the Blind, met with the Assistant Secretary of Education, Johnny Collett, Acting Commissioner of the Rehabilitation Services Administration, Carol Dobak, and the RSA Fiscal Chief, David Steele. Mr. Trapp said that they were meeting to talk about the issue of Pre-ETS, and that Assistant Secretary Collett said that they were working on giving additional "flexibility." Mr. Trapp said that they learned during the meeting that they could use Pre-ETS funds to buy products with the access software built into the product. He said that he raised the issue of buying computers with access software bundled as a part of the purchase, and that it seemed allowable based on the reaction. Mr. Trapp said that they heard at the CSAVR conference that they could also use Pre-ETS funds to help students "prepare" to receive Pre-ETS services. He said that nearly 5 years into the Pre-ETS mandate that the rules are still being changed and reinterpreted.

b. Update on Proposed Governmental Services Agreement with the New Mexico school for the Blind and Visually Impaired, Greg Trapp

Mr. Trapp said that he had been hoping that the Rehabilitation Services Administration would have expanded the allowable scope of Pre-ETS services, and that he had not rushed the agreement with NMSBVI in hopes of having a better idea of how much of the reserve they would be able to expend, and how much they would need to contract out. Mr. Trapp said that he submitted the draft of the GSA to the WINTAC to request technical assistance, and that they were modifying the GSA to reflect that technical assistance. He said that he and Ms. Burma talked to Patty Beecher and Linda Lyle at the AER conference, and that they discussed several different ideas for how NMSBVI might provide Pre-ETS services. Mr. Trapp said that he felt that the agency should proceed with the GSA at this point and that it should be in the range of \$250,000 to \$300,000.

Ms. Burma mentioned the hidden costs of the Pre-ETS reserve, and Mr. Trapp described how they cannot use the reserve for a person who has dropped out of high school, but

that they need to spend additional regular VR on that individual to help them to eventually become a student and also become Pre-ETS eligible.

Mr. Kevin Chavez said that the 15 percent reserve was a state requirement, and that the agency must reserve and spend the 15 percent. Mr. Trapp responded by agreeing with Mr. Chavez, and saying that unfortunately the Division of Vocational Rehabilitation was also not able to spend its entire portion of the reserve, so the Commission would not be helped by DVR. Mr. Trapp said that DVR was spending about 60 percent of the DVR 15 percent reserve. Mr. Trapp said that DVR was experiencing another problem related to Pre-ETS, which is that they are now finding that they have to spend more regular VR funds on college for the newly discovered Pre-ETS students. Mr. Trapp said that some blind agencies had explored transferring a portion of the reserve to the general agency, and that NCSAB had submitted a formal inquiry to RSA on this topic. Mr. Trapp said that the 15 percent Pre-ETS mandate has had a devastating impact on services for adults, and that this is reflected by the number of agencies that have gone on an order of selection.

c. Update on the Requirement for Prior Federal Approval for certain Costs, Greg Trapp and Kevin Romero

Mr. Romero said that the Commission has submitted aggregate prior approval request and received approval of the request from RSA on January 22, 2019. Mr. Romero said the request was based on expenditures for prior years, and that he submitted the request using a spread sheet for aggregate prior approval requests.

Mr. Trapp said that they also discussed prior approval when he Met with Assistant Secretary Collett, and that he said that RSA was also working on giving additional flexibility for prior approval. Mr. Trapp said that the Commission was the first agency in the country to spot the prior approval issue back in 2015, and that they had worked to be in compliance ever since. He said that starting last year the prior approval issue became more of a priority with it being a frequent monitoring finding.

9. New Business

a. Acceptance of State Fiscal Year 18 Audit, Brian Colón, State Auditor

Mr. Colón said, "I am driven, we need to celebrate excellence in auditing." He said that the Commission was the perfect place to do that in his 38th day in office. Mr. Colón complimented Ms. Gonzales, saying that the financial records were well done, and that they were excellent and exemplary. He said that the Commission has received an unmodified opinion, which is the highest rating. Mr. Colón said that the Commission has a low risk status, and offered kudos for tremendous work. He said that there was a strong tone at the top, and an excellent crew. He said that there were only two minor transactional errors, and that they were the lowest level of findings and that the dollar amounts were highly immaterial.

Mr. Chavez continued the report, saying that the findings were due to human errors that are made every day. He said that they were required to look into internal controls, and

that they were well-designed and working. He said that there were no findings in the federal compliance audit.

Mr. Colón added one final thought, which was that he commended Ms. Burma for the "smoke coming out of the keyboard" she was using to take notes. He said that he had read the minutes and felt like he had attended the meetings.

Ms. Janelle Gonzales thanked Mr. Colón for his support and words.

Ms. Lynette Kennard thanked the agency for the cooperation. Mr. Trapp thanked Mr. Colón and his team, and said that he looked forward to starting up again next year.

Mr. Babb made a motion to accept the audit, and Ms. Lansing seconded the motion. A vote was taken, and the audit was accepted unanimously.

b. Approval of 2019 Code of Conduct, Arthur Schreiber

Mr. Kreienkamp read the proposed Governmental Conduct Act resolution.

Ms. Lansing made a motion to pass the resolution, and Mr. Babb Seconded. A vote was taken and the resolution was approved unanimously.

c. Status of Section 107 Monitoring, Greg Trapp

Mr. Trapp said that the Commission was not selected for Section 107 Monitoring during the current round of monitoring, but that he thought it was likely that they would be monitored sometime late in 2020. He said that he has scheduled a mock monitoring visit from the agency fiscal consultant, Seymour Levy. He said that Mr. Levy had been a fiscal specialist with RSA, and that he had been an Assistant Regional Commissioner. He said that Mr. Levy would use the RSA Monitoring and Technical Assistance Guide to conduct the monitoring.

Mr. Schreiber said that Seymour Levy is an outstanding individual who really knows the fiscal rules and regulations and RSA.

10. Open Discussion

Mr. Trapp asked Mr. Romero to talk about the Combo codes in SHARE. Mr. Romero said he received authorization from DoIT to use combo code reporting, and that it would allow employees to specify the number of hours worked on IL and VR. He said it would be a self-contained system that did not need to be reconcile with an outside system. Mr. Romero said the system would do away with the need to have PARs, and it would reduce duplication. He said he would work with Ms. Burma and her staff to pilot the process.

11. Comments from the Audience

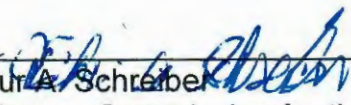
There were no audience comments.

12. Date and Location of Next Meeting

The next meeting was set at the Albuquerque office on April 25, 2019, starting at 10:00 AM. After that, the next meeting will be at the Orientation Center in Alamogordo on August 1, starting at 1:30 PM, and on August 2, starting at 9:00 AM.

13. Adjourn

Chairman Schreiber adjourned the meeting at 12:13 PM.



Arthur A. Schreiber
Chairman, Commission for the Blind

April 25, 2019