New Mexico Commission for the Blind

State Rehabilitation Council

Minutes (Final)

Commission for the Blind

2200 Yale Blvd. SE

Albuquerque, NM 87106

November 16, 2023 - 9:30 AM

1. Call to Order

Chairperson Hayes called the meeting to order at 9:34 AM.

2. Roll Call

Ms. Kelly Burma took roll. Physically present were James Babb, Peggy Hayes, Greg Trapp and Daphne Mitchell. Veronica Alonzo, Bernadine Chavez, and Katharine Chavez attended by Zoom. Paula Seanez joined later in-person. Mario Hooee, Deborah Dominguez-Clark, Lila Martinez, Paul Luttrell, and Jeff Blair joined later by Zoom.

3. Introduction of Guests and Staff

Staff present were Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Kelly Burma, Skills Center Coordinator and SRC Liaison; and Patricia Savage, Executive Secretary. Staff present over Zoom were Kevin Romero, Deputy Director for Finance and Administration; and Jamie Sibson, Orientation Center Director. Guests included Matthew Kump representing Special Education Director Dr. Margaret Cage. Guests attending by Zoom were Frank Maestas and Diana Marquez.

4. Approval of Possible Changes to the Agenda Order and Tabling of Agenda Items

Mr. Trapp requested to move the report from Ms. Alonzo to the first item after the approval of the Minutes.

Mr. Babb moved to approve the agenda as revised, and Mr. Hooee seconded the motion. A vote was taken, and the revised agenda was unanimously approved.

5. Approval of Minutes for the Meeting of September 25, 2023

Mr. Babb moved to approve the minutes, and Ms. Katharine Chavez seconded the motion. A vote was taken, and the minutes were unanimously approved.

8. Workforce Board Report, Veronica Alonzo (Item moved up in the agenda)

Ms. Alonzo said the Combined State Plan will go out for a 30-day public comment period starting on November 22.

Ms. Alonzo said the Department of Workforce Solutions has a mobile semi-truck called “Be Pro Be Proud.” She said the truck will be traveling across the state focused on high school young adults. Ms. Alonzo said the Department of Workforce Solutions annual conference was two weeks ago, and had 350 to 400 people registered.

Ms. Alonzo said she attended the CSAVR Conference in Savannah. She said she learned more about the Commission for the Blind and vocational rehabilitation services.

Ms. Mitchell asked Ms. Alonzo about the accessibility of the semi-truck. Ms. Alonzo said she did not know the answer but would find out and get back to her.

6. Client Assistance Program Report, Bernadine Chavez

Ms. Chavez said CAP was contacted by three Commission clients during the quarter, with one withdrawing their concern, with one being informed that the agency had made the right decision, and with the third consumer’s concerns being looked into.

7. Native American Vocational Rehabilitation Program Report, Paula Seanez

Ms. Seanez said the Jemez Vocational Rehabilitation program hosted the Statewide Independent Living Council meeting yesterday. She said it allowed the SILC members to learn more about the community and the services provided by the Jemez VR program.

Ms. Seanez said most tribal VR programs are on the third year of the grant. She said there will be a call today with RSA about changes that the programs need to know about annual reports. She said RSA is doing site visits, and that the Navajo program has not been identified for an onsite visit. She said the main topic for the tribal VR programs is the need to increase spending.

Ms. Seanez said CANAR, the consortia of Administrators for Native American Rehabilitation, could not find a venue for their conference in Albuquerque. She said they will be meeting in California in December. Ms. Seanez said she was also able to attend the CSAVR and NCSRC meetings in Savannah.

8. Workforce Board Report, Veronica Alonzo

(Item moved up earlier in the agenda)

9. Chairperson’s Report, Peggy Hayes

Chairperson Hayes said she attended the SILC meeting at the Jemez Pueblo. She said the SILC is trying to find a coordinator. She said her term ends December 31 and she plans to reapply. She said there are three out of five that will be off the SILC by the end of December.

Chairperson Hayes said that Mayor Keller issued a proclamation to make last Saturday Lisa McNiven Day. She said Ms. McNiven had been working for 30 years to get affordable housing for the deaf, hard of hearing and deaf blind. She said an apartment complex had been built and is 80% filled.

Mr. Trapp offered his congratulations to Ms. McNiven, saying he has worked with her for over 30 years.

10. Election of Officers

Mr. Babb nominated Ms. Hayes for the position of Chair. Ms. Seanez seconded the motion. After calling three times for nominations, Ms. Katharine Chavez moved nominations cease and Ms. Hayes be elected by acclamation. Mr. Babb seconded the motion. A vote was taken, and Ms. Hayes was elected unanimously.

Ms. Seanez nominated Mr. Hooee for the position of Vice-Chair. Ms. Bernadine Chavez seconded the motion. After calling three times for nominations, Ms. Seanez moved nominations cease and Mr. Hooee be elected by acclamation. Ms. Katharine Chavez seconded the motion. A vote was taken, and Mr. Hooee was elected unanimously.

Ms. Bernadine Chavez nominated Mr. Blair for the position of Secretary. Ms. Katharine Chavez seconded the motion. After calling three times for nominations, Ms. Seanez moved nominations cease and Mr. Blair be elected by acclamation. Ms. Bernadine Chavez seconded the motion. A vote was taken, and Mr. Blair was elected unanimously.

Ms. Bernadine Chavez nominated Ms. Seanez for the position of First At Large Executive Committee Member. Ms. Katharine Chavez seconded the motion. After calling three times for nominations, Ms. Katharine Chavez moved nominations cease and Ms. Seanez be elected by acclamation. Ms. Bernadine Chavez seconded the motion. A vote was taken, and Ms. Seanez was elected unanimously.

Ms. Hayes nominated Ms. Bernadine Chavez for the position of Second At Large Executive Committee Member. Ms. Seanez seconded the motion. After calling three times for nominations, Mr. Babb moved nominations cease and Ms. Bernadine Chavez be elected by acclamation. Ms. Katharine Chavez seconded the motion. A vote was taken, and Ms. Seanez was elected unanimously.

11. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp updated the Council on his wife Tonia. He had announced her diagnosis with an aggressive form of cancer at the August meeting. He said she has received a couple rounds of chemo and is doing much better. He said she is scheduled to go to MD Anderson in January.

Mr. Trapp said he was unable to attend the Savannah meetings of the National Council of State Agencies for the Blind, the National Coalition of State Rehabilitation Councils, and the Council of State Administrators of Vocational Rehabilitation. He said he appreciated Mr. Salas holding his proxy for that and also Ms. Mitchell, Ms. Burma, Ms. Sibson, and Ms. Otero for attending.

Mr. Trapp said it looks like Congress will be able to avoid a federal government shutdown. He said the two-teered approach was passed out of the house and on to the Senate will allow funding of federal agencies through either January or February.

Mr. Trapp said the LFC hearing was held on October 27, and that it went well. He said the LFC analyst noted that the Commission had a clean audit. Mr. Trapp congratulated Mr. Romero and his staff for the clean audit. He said the Commission is in the midst of its current audit, which remains confidential until it is publicly released. He said the audit was submitted on time and hopes it will be released prior to the HAFC hearing.

Mr. Trapp said he discussed the Dear Colleague letter at the last meeting, saying it was the new interpretation from the Rehabilitation Services Administration on the definition of the word recipient, which determines how match is decided for the state. He said the match has historically been based on an agency level, but now is based on a statewide level. He said as a state, New Mexico was able to match all of its federal funds, meaning the Commission was able to carry-over its federal fiscal year 2023 unspent funds. He said the National Council of State Agencies for the Blind executive committee met with the U.S. Assistant Secretary of Education, and he was assigned the task of leading that conversation by the NCSAB. He said the main concern was the reinterpretation of the word recipient and the fact that it might adversely impact the smaller blind agencies. He said there are 22 blind agencies, which means there are also 22 general agencies. He said if a much larger general agency does not meet its match requirement, and if the blind agency is unable to make up the difference on behalf of the state, then that blind agency will not be able to carry-over its federal funds. He said blind agencies will need to work very closely with general agencies on the state match. He said the DCL came out as a result of a question that had been submitted by the state of Maine. The Maine blind agency was unable to meet the match requirement and wanted to use the general agencies spending for match. He said RSA decided that the interpretation they had been applying for the last 22 years was in error, even though there have been prior waivers of the requirement. He said he was hoping RSA would issue regulations that would enable the ability to carry-over funds to be done either on an agency or statewide level. He said this would be consistent with maintenance of effort and Pre-ETS interpretations. He said there is a strong aversion by federal agencies to issue new regulations and that federal agencies are instead making policy through the issuance of sub-regulatory statements.

Mr. Trapp said he signed the State Wage Interchange System Agreement this morning. He said this will allow for the Commission to receive information about consumers and their earnings based on their social security numbers. He said the information will allow the Commission to submit more accurate federal performance reports. He said the information can also be used for social security reimbursements.

Mr. Trapp said the Commission has also been working with Workforce Solutions on a case alignment project. He said one of those efforts is through the National Association of State Workforce Agencies. He said the Commission uses a case management system called AWARE. He said it has very good report writing capacity and is very accessible for screen reader users. He said the agency is very happy with AWARE. He said there are 36 states that use AWARE, with a total of 41 VR agencies using AWARE.

Mr. Salas said he attended online national meetings with the case management alignment facilitators. He said the facilitators are encouraging partners to streamline the process through a common intake or a common referral process. He said he thinks there are things the Commission can do, while still maintaining the AWARE case management system and protecting the confidentiality of consumer information. Mr. Salas said GeoSolutions is used by the Department of Workforce Solutions, and GeoSolutions offers a product that includes a VR module. He said there are only three VR agencies that are either using GeoSolutions or switching to GeoSolutions.

Mr. Trapp said the Commission is working to enhance the benefits guidance and counseling that is provided to consumers. He said the Commission is planning to use a contractor who is an expert in benefits counseling to update the Commission’s Desk Reference Guide.

b. Administration and Finance, Kevin Romero

Mr. Romero reported on the current fiscal year budget, saying that as of today, the Commission has expended $6,107,742 and has encumbrances of $427,000. He said the Commission is right on track for the fiscal year and has spent a little over 32 percent of the budget. He said the Commission is seeing increased activity with Kirtland Air Force Base and with FLETC.

Mr. Romero said the Commission has received only a portion of the FY24 federal grants due to the continuing resolutions that are in place. He said the Commission will not get the full award Until the appropriation bill is passed. He said the Commission has received a little over $440,000 out of the $5,000,000 VR grant. Mr. Romero said he believes the Commission is adequately positioned to take care of expenses, to meet its match, to pay its employees, and to provide services to consumers.

Mr. Romero reported on human resources, saying the Commission has 14 vacant positions, with seven of those being exempt and seven being classified. He said the overall Commission vacancy rate is 15.4 percent, and the classified vacancy rate is 10.9 percent. He said the Commission is recruiting to fill seven classified positions and one exempt position. He said when these positions are filled the Commission will have a 6.6 percent vacancy rate.

Mr. Romero reported on building leases, saying the agency has a new office in Las Cruces and is working on securing a new office in Roswell. He reported on the Santa Fe office, saying the RFP process is underway and that he hoped to secure a Santa Fe office location by the end of December.

Mr. Romero reported on the State Fiscal Year 23 audit, saying it was submitted timely. He said the agency had the exit conference on October 30. He said the audit is under review by the office of the State Auditor. He said the audit is considered confidential while it is under review and pending final approval and release.

Mr. Romero said the Commission requested a budget increase of 4.2 percent over the current appropriation. He said the Commission requested an additional $210,000 in general fund. He said this additional funding will enable the Commission to expand the Independent Living program. He said the increase will also help match an estimated $218,800 in federal funds. He said the Commission made a modest budget request that will help secure the Commission’s services going forward.

Mr. Romero said the Commission had its LFC hearing on October 26, saying it went well. He said Executive Director Trapp made a very strong case for the Commission and the budget request.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas said there were no vacancies on the Vocational Rehabilitation counselor team and no vacancies on the Assistive Technology team. Reporting on the Farmington Independent Living position, he said Deon Dodson retired after 25 years of service. He said Nathalie Martin was hired to fill that position. He said the Commission is working to fill an Independent Living teacher vacancy in the Las Cruces office.

Mr. Salas said his team had been working on federal reports, including the RSA-911. He said his team is making sure the data is accurate and that the reports are submitted timely. He said an email was received from RSA yesterday saying that the RSA-911 had been received. Mr. Salas Said the Independent Living program has two federal reports, one of which is the RSA-7O4 Independent Living Report. He said the Commission’s 7O4 information is submitted to DVR in the first week of December. He said the completed 704 report is submitted to the Administration on Community Living. He said the RSA-7OB is the Older Blind report, and the deadline for submission is the end of December.

Mr. Salas said Mr. Juan Haro is providing training to the new Blindness Skills Instructors who were recently hired.

Mr. Trapp said the Commission is in the process of updating the Business Enterprise Program manual. He said the plan is to contract with a well-known expert in the Randolph Sheppard community. He said the proposed contractor has experience revising BEP manuals for other states.

Mr. Salas reported on the VR numbers for the state fiscal year that started on July 1, saying nine consumers were placed in competitive and integrated employment and one consumer was placed in self-employment, for a total of ten consumers placed in employment. He said their average starting wage was $25.77 an hour.

Mr. Salas reported on the VR numbers for the federal fiscal year that ended on September 30. He said 29 consumers were placed in competitive and integrated employment and one consumer was placed in self-employment, for a total of 30. He said it has been 12 years since 30 consumers were placed in employment during either a state or federal fiscal year. He said the average starting wage was $23.95 an hour. Mr. Salas said 24 additional consumers were in employment status, meaning they were employed and had a stable date, and 21 consumers were in Service E, meaning that they were employed but do not have a stable date. He said this was a potential of 45 additional rehab closures. Mr. Salas emphasized that these were fantastic employment numbers.

Mr. Trapp said most of these consumers receive disability benefits, adding that the savings to the state and Social Security are tremendous. He said the VR program is an incredible return on investment, which is why the Social Security Administration reimburses the Commission for the costs of providing VR services to consumers who go off benefits due to work.

Ms. Hayes asked Mr. Salas what types of jobs these consumers obtained, and Mr. Salas said the jobs included technical positions, engineering positions, a faith-based counseling position, and customer service positions.

d. Orientation Center, Jamie Sibson

Ms. Sibson said six students are currently in training at the Orientation Center, with one expected to graduate before the winter break on December 19. She said one of the students is going through the apprenticeship track to receive certification in rehabilitation teaching through the National Blindness Professional Certification Board. She said another student is a staff member who is receiving immersion training. Ms. Sibson said there are two students in the apartments and a third student is moving into the apartments today. She said one tour is scheduled for January and two more students will start their training after the winter break. She said one new Commission employee has started training.

Ms. Sibson said the Orientation Center received a certification visit from the National Blindness Professional Certification Board, adding that the Center has been certified for the next three years as a structured discovery center. Ms. Sibson said two employees and two students recently took the National Certification in Unified English Braille exam, and all four obtained a five-year NCUEB certification.

Mr. Trapp congratulated Ms. Sibson on the recertification, and also on achieving her own NCUEB certification.

Mr. Trapp said the VR counselors were recently in Alamogordo for training, and Ms. Sibson said she was excited to have the counselors at the Orientation Center. She said she appreciated the partnership with the VR counselors. Mr. Trapp said he thinks it is important that the counselors see the Orientation Center since they make recommendations to their consumers. He said he has received positive comments from the counselors on their experiences at the center.

Chairperson Hayes congratulated all on their Braille certification.

Mr. Trapp asked Ms. Sibson to give a short description of the Orientation Center, and Ms. Sibson said the Orientation Center provides training to blind adults to enable them to be proficient in blindness skills. She said that is done through seven core training areas, including home management, personal management, assistive technology, Braille, industrial arts, physical education, and cane travel.

Mr. Kump asked how many apartments were at the Orientation Center, and Ms. Sibson answered that there were four apartments next to the Center. Mr. Trapp added that the Center also has a dormitory with a capacity of almost 20 students.

Mr. Kump asked about the New Mexico School for the Blind and Visually Impaired in Alamogordo, and Mr. Trapp said that the Commission and NMSBVI are different entities but work very closely together.

Mr. Blair joined the meeting at this point.

e. Skills Center, Kelly Burma

Ms. Burma described the Skills Center, saying there are classrooms for both individual and small group trainings. She said the Skills Center offers virtual and in-person training. She said training is provided in homes, work sites, and schools. She said the training is provided to both vocational rehabilitation and independent living students. Ms. Burma said the Skills Center is currently serving three students who are receiving Pre-Employment Transition Services. She said the students are receiving training in the areas of Braille, assistive technology, and personal management. She said the Skills Center is also serving adults.

Ms. Burma said the Skills Center recently hosted an in-person forensics science camp which was attended by seven Pre-ETS students. She said the breakroom was turned into a crime scene which the students analyzed using a variety of scientific methods. She said the camp included students who were interested in science, as well as entertainment and mystery writing. She said the contractor was Independence Science, and the students had a blast learning how to solve a good mystery. She said the team served coffee and donuts because they were their own police station. She said the students learned about linear equations, footprint measurement, how to detect chemicals, and how to use ground penetrating radar. She said blind students do not get to experience hands-on learning in school science classes. She said the purpose was to encourage students to consider STEM and STEAM courses.

Ms. Burma said the Skills Center hosted a seminar on Unified English Braille on September 22. She said Casey West Robertson presented the seminar. Reporting on other Pre-ETS activities provided through the Skills Center, Ms. Burma said she conducted an NCUEB exam at the Orientation Center in Alamogordo.

Ms. Burma said the Skills Center administers the Technology for Children Program which is funded by a transfer of $80,000 each year from the New Mexico Department of Health. She said this enables the Commission to purchase assistive technology for students for use in their home. She gave as an example of the technology that is provided the device that was in front of her, which she identified as an $8,000 refreshable braille display. Ms. Burma said three children have been served this state fiscal year through the Technology for Children Program, and that additional applications are being taken. She said she has also attended IEP meetings and provided other support for students.

12. Unfinished Business

a. Approval of Council FFY23 Annual Report, Peggy Hayes and Greg Trapp

Mr. Trapp said Mr. Blair raised some good points at the last meeting about how the financial information is presented in the annual report. He said it gets a little complicated because of audit issues and the federal fiscal rules. He said the annual report must contain accurate numbers that are consistent with other reports. He said he would also like to include the audit results in the annual report, either the electronic version submitted at the end of December, or the print version produced later. He said the audit is not public until it is released by the Office of the State Auditor. Mr. Trapp described the fiscal information that could be included, including the Stevens Amendment language, the amount spent for salaries and benefits, the amounts actually spent on VR and IL consumers, and also the numbers for the Randolph Sheppard Act program. Mr. Trapp said that the annual report is basically a template, and that new numbers are added each year. He said the annual report is a public facing document and it should communicate the fiscal integrity of the agency. Mr. Trapp asked Mr. Romero if the current audit might be made public prior to December 30. Mr. Romero said the auditors were fairly confident it could get released prior to January.

Mr. Trapp asked Mr. Salas to briefly go over the performance measures that were actually being evaluated this year.

Mr. Salas said there are four performance measures for the current program year, which began on July 1 and goes through June 30. He said there is the employment rate, second quarter after exit; employment rate, fourth quarter after exit; median earnings; and credential attainment rate. He said the requirement is to be above 50 percent of the actual level divided by the adjusted level. He said the Commission’s actuals were all above the adjusted rate. He said he would go further into detail later in the agenda.

Mr. Trapp went over the financial, state performance measures, and other items to be updated in the Annual Report, and other items that will be added for this year once the numbers are finalized. He said the agency met all of the state performance measures except for one IL measure, which was impacted by the pandemic and IL teacher retirements. He said the blindness statistics in the report are the most current, and that they have not been updated as a part of the American Community Survey for several years. He said he is proposing to put the Stevens Amendment language on the same page as the other financial information. He said the print version will include photos and photo descriptions, which he summarized, including the use of assistive technology for meetings and the recognition of the Commission by the Foundation for Open Government.

Ms. Hayes asked if there were any additional comments and there were none.

Ms. Alonzo made a motion to approve the Annual Report as presented by Director Trapp, including to update the Annual Report with new fiscal and performance numbers, authorizing the Executive Committee to make minor changes and adjustments to the Annual Report including changes to format and new performance measures. Mr. Babb seconded the motion. A vote was taken and the Annual Report, as revised, was approved unanimously.

b. Report on Submission of the Combined State Plan, Jim Salas

Mr. Salas said the Commission has submitted its draft of the Combined State Plan to the Department of Workforce Solutions, which had set a deadline of October 1. He said the Department of Workforce Solutions was the lead agency, and that they will be submitting the Combined State Plan no later than March 4. He said a state plan training was sent out at the end of September, and that some items in the State Plan may need to be revised due to the information in that training. He said The Rehabilitation Services Administration will renegotiate the performance measures sometime in April, and that RSA may ask for some changes to the State Plan at that time. He said the approved State Plan will take effect on July 1.

c. Approval of State Plan Cleanup and Catchup Items, Goals and Priorities, Council Comments, Greg Trapp, Jim Salas, and Kelly Burma

Mr. Trapp said the agency was still reviewing the State Plan guidance issued by the feds. He said the Executive Committee was authorized during the August and September meetings to make minor or technical changes to the goals and priorities and Council input. He said this item was on the agenda as a safety valve. He said the Council did a really good job at the last two meetings of providing comments and input. He said this item is just in case the feds have any additional requirements for the State Plan.

Mr. Babb motioned to approve the State Plan as Director Trapp has presented, authorizing the Executive Committee to make final changes to the State Plan, including minor adjustments, minor changes to the goals and priorities, and changes to format, technical, clerical, or typographical items. Mr. Blair seconded the motion. There was no further discussion. A vote was taken and the State Plan, as revised, was approved unanimously.

d. Designation of State Rehabilitation Council Membership Categories, Greg Trapp

Mr. Trapp said the regulations for the appointment of the State Rehabilitation Council require that the members be appointed by the Governor, but there is no requirement that the Governor designate the status of the member. He said there are certain categories that are automatic, such as Bernadine Chavez as the CAP representative, Dr. Margaret Cage as the State Educational Agency Representative when she is appointed, Paula Seanez as the 121 project Representative, himself as the State Agency Director, and Veronica Alonzo as the Workforce Board representative. Mr. Trapp said the Council also needs representatives of business, industry, and labor; a current or former VR consumer; a qualified current or former VR counselor; a person with multiple disabilities who has difficulty representing themselves or their representative, a community rehabilitation program representative, and a representative of a parent information training center.

Mr. Salas said that the State Plan has a new section that includes SRC membership and the capacities in which the members serve, along with their term status and when their term expires.

Mr. Trapp and Ms. Hayes discussed the membership, saying that Mr. Babb, Ms. Katharine Chavez, Mr. Blair, and Ms. Dominguez-Clark represent business, industry, and labor; Mr. Hooee represents the NFB as a blindness advocacy organization; Ms. Hayes represents the Statewide Independent Living Council; Mr. Luttrell represents the Community Rehabilitation Programs; Ms. Martinez represents the Parent Training Information Center; Ms. Mitchell is a qualified VR counselor. Mr. Trapp noted that Mr. Cooper had been a representative of business industry and labor; Ms. Montoya-Cordova had represented the State Workforce Development Board; and Ms. Dominguez-Clark has previously been the state educational agency representative.

There was discussion between Mr. Trapp and Mr. Salas as to what the State Plan should show with respect to Council membership, and it was decided that the information submitted in the State Plan should be current as of March 4.

There was discussion of who was eligible for reappointment between Mr. Trapp, Ms. Hayes, and Ms. Burma, and it was determined that Ms. Hayes, Mr. Babb, and Mr. Blair all had meaningful breaks in their service and were in their first terms. Mr. Trapp said Dr Cage was needing to be appointed and would be the State Educational Agency representative, and that Ms. Dominguez-Clark As the Director of academic Affairs at CVNM would be a representative of business, Industry, and labor.

Ms. Hayes noted that the Council still needs additional members who are blind, adding that the position of a person with multiple impairments was vacant.

Ms. Katharine Chavez said she had a person in mind who was interested in serving, Frank Maestas, and who was blind. She said he is in a rural area. Mr. Trapp said that the Council definitely wants to have members from rural areas, minority representation, and persons who are unserved or underserved.

13. New Business

a. Report on Performance Measures, Jim Salas

Mr. Salas said there are five performance measures, four of which applied this year. He said measurable skills gain was not measured in Program Year 22. He said the performance measures are for Program Year 22, which runs from July 1, 2022, through June 30, 2023. He said DVR and the Commission together served 5,699 VR consumers, 278 of which were Commission consumers. That means that the Commission represented about 5 percent of the total. He said that the Commission’s numbers were less than the state as a whole for the two employment rates, and higher for the state as a whole for median earnings and credential attainment. He said the Commission numbers were also higher for the state as a whole for measurable skills gain, although it was not included in the assessment for Program Year 22.

Mr. Salas reported on the employment rate, second quarter after exit, saying it measured the employment of consumers who had their cases closed after becoming employed. He said the negotiated level was 40 percent, meaning 40 percent of consumers are going to be employed six months after exiting the program. He said the adjusted level is the negotiated level of 40 percent plus the adjustment factor of 5.3 percent which equals an adjusted level of 45.3 percent. The actual is 41.3 percent. The performance assessment is the actual number of 41.3 divided by 45.3 equaling 91.0 percent. He said this was an improvement from the second quarter rate for Program Year 22, which was 39.3 percent. He said The Commission second quarter rate was 21.2 percent for Program Year 21, and 29.4 percent for Program Year 22. He said the average rate for blind agencies was 45.8 percent. Mr. Salas said if the Commission’s rate of 29.4 percent was correct it would mean that 70 percent of the commission consumers left their employment after just six months. He said he thinks this is not correct, and that the issue has to do with the survey process that the Commission uses to collect the data. Mr. Salas said he thought the SWIS agreement that Mr. Trapp signed this morning would help the Commission to collect more accurate data. Mr. Salas said the agency will also increase how often consumers are contacted after closure to help make the reports more accurate.

Ms. Bernadine Chavez gave the example of one Commission Consumer who excelled in his job and as a result moved to a different and more advanced job. She asked if this scenario could be tracked, and Mr. Salas responded that the SWIS data would still tell if the consumer was employed and what the consumer was making at three and six months. Mr. Salas said the SWIS data was based on unemployment insurance information.

Ms. Bernadine Chavez said that DRNM is working with clients who had encountered difficulties due to Social Security overpayments, even though they had correctly reported their earnings. She said these individuals were as a result quitting their jobs because they were scared of having even larger overpayments. Mr. Salas said that the Commission has a contract with Legal Aid and can assist the consumer to challenge their overpayment.

Mr. Babb asked about waivers, and Ms. Mitchell said there was a recent 60 Minutes broadcast that looked at Social Security denial of waivers, saying that the Social Security field offices were told to deny waivers to return money to the Social Security trust fund. She said Social Security sent out 1.3 million overpayment notices last year. Mr. Salas added that New Mexico Legal Aid could be a very strong advocate in such situations. Mr. Trapp said that consumers should know that the agency has their back.

Mr. Trapp said that the goal for Legal Aid is to avoid having to ask for a waiver, but to instead challenge the correctness of the overpayment based on the use of available work incentives. He said to get a waiver the overpayment cannot be the fault of the recipient and the recipient cannot afford to pay back the overpayment, and that these were items that were within the discretion of the administrative law judge.

Ms. Hayes asked if this information was relayed to consumers, and Ms. Mitchell said one of the services provided to consumers was benefits counseling. She said consumers are helped to file wage reports, saying that Social Security has an app to help report wages and allowable deductions. She said consumers are told to contact the agency if they get an overpayment letter. She said she is planning on using the contractors Mr. Trapp mentioned to provide additional benefits counseling training to the counselors.

Ms. Burma said the Council might want to consider adding a question about benefits counseling in the consumer satisfaction survey.

Mr. Trapp said adding a benefits counseling question to the consumer satisfaction survey was a good idea, but that sometimes the Commission was the misdirected target of consumer frustration. He said the norm is for the counselors and consumers to do everything correctly and for the individual to still end up with an overpayment due to Social Security mistakes. He said this is especially the case for blind individuals.

Mr. Salas reported on median earnings for the second quarter after exit, saying the negotiated level was $4,500. He said the adjustment factor was minus $538, giving an adjusted level of $3,962. He said the actual level for the state was $5,033, giving the state a performance assessment of 127 percent. He said the Program Year 21 level was $5,182. Mr. Salas said the Commission’s Program Year 21 level was $12,602,and the Commission’s Program Year 22 level was 6,854. He said the state is doing really well on this measure.

Mr. Salas reported on the employment rate for the fourth quarter after exit, saying the negotiated Level was 35 percent. He said the adjustment Factor was 3.9 percent. He said this gave an Adjusted Level of 38.9 percent. He said the actual Level was 40.8 percent, giving a performance Assessment of 104.8 percent. Mr. Salas said this was an increase from the Program Year 2021 rate of 36.4 percent. He said the Commission’s Program Year 21 level was 17.9 percent, and the Program Year 22 level was 31.7 percent. He said the blind agency average was 42.6 percent. He noted that the Commission’s level improved in the fourth quarter from the second quarter. Mr. Salas repeated the earlier statements that the SWIS data would help the Commission’s report accuracy.

Mr. Salas reported on credential attainment rate, saying it measured the acquisition of a high school, college, or graduate degree, or the acquiring of a professional license. He said the negotiated level was 26 percent, with an adjustment Factor of 10.3 percent, making the adjusted Level 36.3 percent. He said the actual Level was 37.6 percent, and the performance Assessment was 103.5 percent. He said the Program Year 2021 performance was 32.9 percent. He said the Commission’s Program Year 21 performance was 26.7 percent, and 64.3 percent in Program Year 22. He said the Commission really helped the state in Program Year 22. He said the average for blind agencies was 41.2 percent.

Mr. Salas briefly reported on measurable skills gain, noting it was not included in the Program Year 22 measures. He said the Program Year 22 measurable skills gain level was 52.9 percent for the state as a whole, and for the Commission it was 62.7 percent.

Reporting on the percent change in the number of participants from Program Year 17 to 22, Mr. Salas said for the state as a whole it was minus 26 percent, and it was minus 15 percent for the Commission. He said it was a trend across the country with fewer applications and fewer participants for VR services.

Mr. Salas said the employment rate for New Mexico as a whole was 30 percent, and for the Commission the employment rate was 55 percent. He said the blind agency average was 52 percent.

Mr. Salas said the number for consumers who had a training service was 28 percent for the state as a whole, and 69 percent for the Commission. He said this equated to 191 out of the Commission’s 278 participants. He said The number for those in Program Year 22 with college service was 8 percent for the state as a whole, and 14 percent for the Commission. He said that equated to 48 out of the Commission’s 278 participants.

Mr. Salas said the percent of consumers who exited prior to signing an IPE was 45 percent for the state as a whole, and 26 percent for the Commission. He said that equated to 17 consumers for the Commission, with 8 of those no longer being interested, 3 unable to work, 3 transferred to other agencies, 2 for failure to cooperate, and 1 for health and medical reasons.

Mr. Trapp said that Mr. Salas was great with these performance measures, and that he had volunteered him to be on the performance measure and data committee for the State Workforce Development Board.

b. Report on Federal Section 107 Monitoring, Greg Trapp

Mr. Trapp said the federal government monitors VR agencies under Section 107 of the Rehabilitation Act, and that the Commission has not been monitored since 2010. He said the annual review is one way in which VR agencies are monitored. He said the Pre-ETS finding was an annual review. Mr. Trapp said the Commission has been very transparent with the annual review finding. Mr. Trapp said the federal government has just announced the states to be monitored and the Commission is again not selected for monitoring. He said the federal government decides what agencies to monitor based on the degree to which the entire grant is being spent and the risk an agency presents to the federal interest. Mr. Trapp said the Commission is on track to spend the entire FFY 23 VR grant, including the Pre-ETS reserve. He said he thinks this is a complement to the agency’s fiscal and program team. He said the Commission submits accurate and timely reports and has clean state audits. Mr. Trapp said the Commission periodically conducts its own internal test monitoring using its fiscal consultant and the federal Monitoring and Technical Assistance Guidelines.

14. Council Open Discussion

Ms. Hayes said that Ms. Patty Beecher will be retiring from her position of Superintendent of the New Mexico School for the Blind and Visually Impaired.

Ms. Hayes said the Council should know that the snacks served were purchased by Ms. Burma and she asked members to contribute to the cost.

Ms. Burma said she presented on conducting accessible and open meetings at the meeting of the Coalition of State Rehabilitation Councils.

15. Comments from the Audience

There were no audience comments.

16. Date and Location of Next Meeting

The next meeting was scheduled to take place in Santa Fe at 10:00 AM on February 6.

17. Adjourn

Ms. Hayes adjourned the meeting at 1:20 PM.

Approved and Electronically Signed this 23rd Day of January 2024.

Peggy Hayes, Chairperson

State Rehabilitation Council

New Mexico Commission for the Blind