

Alabama Board of Rehabilitation Services
560 S. Lawrence Street
Montgomery, Alabama

Thursday, June 22, 2023
10:00 a.m. – 12:00 Noon

AGENDA

Call to Order Charles Wilkinson, Chair

Prayer

Verification of Quorum Karen Freeman

Verification of Open Meeting Act Notice Charles Wilkinson

Approval of Agenda Charles Wilkinson

Approval of Minutes for the March 2, 2023 meeting Charles Wilkinson

New Business:

Swearing-in Ceremony – New Board Member Ashley Hamlett, General Counsel

- Ms. Judith M. Gilliam
Congressional District 3

Commissioner's Annual Performance Appraisal & Contract Charles Wilkinson

Administrative Code Rule: Charles Wilkinson
Ashley Hamlett

Adopt and approve amendments to the department's Administrative Code Rule 795-1-1-.11, Public Records, to bring the rule into compliance with Governor Ivey's Executive Order No. 734. Specifically, the rule must be revised to include definitions for "standard" and "time-intensive" record requests, to set maximum response times for each type of request, and to establish standard and maximum fees for records production.

Internal Audit Charter: Charles Wilkinson
Frank Snyder, Internal Audit Manager

Adopt and approve amendments to the department's Internal Audit Charter which governs the role, scope of work, standards of performance, and reporting responsibilities of the Internal Audit Section.

FY 2022 – 2023 Operations Plan

Charles Wilkinson
Shay Cannon, Chief
Financial Officer

Adopt and approve amendments to the Alabama Department of Rehabilitation Services FY 2022 – 2023 Operations Plan for a supplemental appropriation increase from \$232,102,475 to \$234,402,475, and that authority be granted to the Commissioner and Chief Financial Officer to revise the Operations Plan within these spending levels.

Division Updates

Executive Leadership Team

Commissioner's Comments and Legislative Update

Jane Elizabeth Burdeshaw

Announcements:

Charles Wilkinson

Alabama Board of Rehabilitation Services meeting dates for **2023**:

- **Thursday, Sept. 14, 2023 – 10:00 a.m.**, Montgomery/State Office
- **Thursday, Dec. 7, 2023 – 10:00 a.m.**, Montgomery/State Office

Board Business/Discussion

Charles Wilkinson

Adjourn

Charles Wilkinson

Alabama Board of Rehabilitation Services

Alabama Department of Rehabilitation Services

560 South Lawrence Street

Montgomery, Alabama

Minutes

Thursday, June 22, 2023

Call to Order:

Mr. Charles Wilkinson, Board Chair, called the meeting to order at 10:02 a.m.

Prayer:

Dr. Graham Sisson, Jr., Executive Director of the Alabama Governor's Office on Disability (GOOD), opened the board meeting with prayer.

Verification of Quorum:

Board members present (in-person): Mr. Charles Wilkinson, Board Chair; Mr. Kevin Kidd, Board Vice-Chair; Ms. Judith Gilliam; Ms. Kimberlin Love; and Mr. Eddie Williams. A quorum was declared.

Board members absent: Ms. Michelle Glaze and Mr. Mitch Strickland

Guests: Mr. Dave White, Governor's Office, Senior Policy Advisor

Interpreting Services: Mr. Josh Brewer, Coordinator of Interpreting Services, Vocational Rehabilitation Service (VRS) State Office; Ms. Angel Dahlgren, Senior Interpreter, VRS Homewood Office; and Ms. Nicole (Niki) Grady, Senior Interpreter, VRS Mobile Office.

Conference Call Participants: Ms. Susan Sellers, United Ability-Birmingham, Chief Executive Officer.

Verification of the Open Meetings Act Notice:

Pursuant to the proclamation dated March 3, 2022, the Alabama Board of Rehabilitation Services' board meeting was conducted in-person and open to the public. The Open Meetings Act allows for electronic participation except to establish a quorum. The Alabama Board of Rehabilitation Services requires four members to attend in-person to establish a quorum, but other members may participate via conference call.

Mrs. Karen Freeman verified that the Alabama Board of Rehabilitation Services meeting for June 22, 2023, was posted on the Alabama Secretary of State's website on Thursday, May 18, 2023, at 3:50 p.m.

The meeting announcement and registration information were posted on the Alabama Department of Rehabilitation Services' public website on Thursday, May 18, 2023 and made available at the following link: <https://rehab.alabama.gov/about/meet-our-board> with a registration deadline of Monday, June 19, 2023, at 5:00 p.m. CDST. Meeting registration was not necessary for in-person participants, but registration was required for those preferring to participate via conference call. A conference call line was established for board members and the public. Upon registration for the conference call, participants received an email with instructions and the telephone number to call.

Approval of Agenda:

The board meeting agenda was mailed prior to the meeting. Mr. Wilkinson, Chair, asked for a motion to approve the agenda. Mr. Wilkinson stated there were no changes and/or additions to the agenda and it was approved by unanimous consent.

Approval of Minutes for March 2, 2023 Meeting:

The board meeting minutes were mailed prior to the meeting. Mr. Wilkinson stated that if there were no corrections, the minutes would stand approved as presented. The board meeting minutes were approved by unanimous consent.

New Business:

Swearing-in Ceremony – New Board Member: Mrs. Judith M. Gilliam, Third Congressional District

Mr. Wilkinson and Commissioner Burdeshaw welcomed and introduced Mrs. Judith M. Gilliam. Mrs. Gilliam was appointed by Governor Ivey and received Senate confirmation during the 2023 Alabama Legislative Session. Mrs. Gilliam will serve as a representative of the Third Congressional District and represent people with disabilities. She will serve in the position previously held by Mrs. Penny P. Foster. Mrs. Gilliam's appointment began on May 4, 2023, and will expire September 30, 2027.

With a lifetime of dedicated work, state and national accomplishments and numerous accolades to her name, Mrs. Gilliam is a leader in advancing the mission of disability inclusion and independence, especially for Alabama's citizens who are deaf. For 55 years, she has worked with the Alabama School for the Deaf as a classroom teacher, instructional leader, mentor, and ultimately the Director. Mrs. Gilliam is now retired, but continues to serve as a Certified Deaf Interpreter and Rater for the Commission on Collegiate Interpreter Education in Washington, D.C., where she previously served as the Commissioner from 2012 – 2014. As a person who is deaf and who primarily uses American Sign Language (ASL) to communicate, she finds strength in her personal experience to connect, relate, advocate, and serve as a mentor for those in the deaf community in need of services and support systems.

Mrs. Ashley Hamlett, General Counsel, administered the Oath of Office for Mrs. Gilliam as a member of the Alabama Board of Rehabilitation Services. Mrs. Gilliam is honored to serve on the Alabama Board of Rehabilitation Services, especially after learning that she would be the first deaf person to serve on the Board. Mrs. Gilliam expressed her desire to serve the constituents of Alabama to the best of her ability and to ensure that they are well-served.

Mr. Wilkinson and Commissioner Burdeshaw expressed their appreciation to Mrs. Gilliam for her willingness to serve and her dedication to the mission of the Alabama Department of Rehabilitation Services.

Commissioner Burdeshaw and Mr. Ashley Townsend, Assistant Commissioner, Vocational Rehabilitation Service (VRS), Blind and Deaf Services, introduced and welcomed Mr. Ben Hollingsworth, ADRS State Coordinator for Deaf and Hard of Hearing Services. Mr. Hollingsworth has worked closely with the Commissioner, Mr. Townsend, and Mrs. Gilliam on various legislative efforts.

New Board Member: Ms. Norma M. Lemley, Seventh Congressional District

Mr. Wilkinson and Commissioner Burdeshaw announced the upcoming appointment of Ms. Norma M. Lemley. Ms. Lemley will serve as a representative of the Seventh Congressional District as a parent of an adult child with a disability. She will serve in the position currently held by Mr. William 'Mitch' Strickland. Mr. Strickland's appointment will expire on September 30, 2023. Ms. Lemley's appointment will begin October 1, 2023, and will expire September 30, 2030. Ms. Lemley's swearing-in ceremony will be held during the September 14, 2023 board meeting.

Commissioner Burdeshaw's Performance Appraisal & Contract

Mr. Wilkinson reported that the Alabama Board of Rehabilitation Services reviewed and appraised Commissioner Burdeshaw's performance for the last year. On behalf of the Board, Mr. Wilkinson expressed appreciation to Commissioner Burdeshaw for her excellent leadership and provided a fully satisfactory overall performance review.

Mr. Wilkinson moved that the Board offer a new contract to Jane Elizabeth Burdeshaw to serve as the department's Commissioner and Chief Executive Officer for the term of four (4) years for the period July 1, 2023, through June 30, 2027. Mr. Williams seconded the motion. The motion passed unanimously.

The board members expressed their individual approval of Commissioner Burdeshaw's new contract and noted the Commissioner is very deserving. Commissioner Burdeshaw expressed her sincere appreciation to the Board and the Alabama Department of Rehabilitation Services Executive Leadership Team for their continued support as she enters a new contract.

Administrative Code Rule

Mrs. Hamlett reported the Governor's Executive Order No. 734, Promoting Transparency in State Government Through Enhanced Accessibility to Public Records, issued January 26, 2023, mandated that state agencies, within 90 days of issuance of the order, revise their public records policies by giving notice of an intent to adopt or amend the agency's administrative rules, if necessary, to comply with the order. The Legal Office distributed and requested board members review the rule changes carefully.

The executive order necessitated amendment of Administrative Code Rule 795-1-1-.11 to include definitions for “standard” and “time-intensive” requests, to set maximum response times for each type of request, and to establish standard and maximum fees for records production.

The Legal Office published notice of the proposed rule change in the April 28, 2023 edition of the Alabama Administrative Monthly in compliance with the executive order. The notice solicited public comments and written requests to orally address the Board concerning the proposed rule change. No public comments or requests to address the Board were received.

Mr. Wilkinson moved to adopt and approve amendments to the department’s Administrative Code Rule 795-1-1-.11, Public Records, to bring the rule into compliance with Gov. Ivey’s Executive Order No 734. Ms. Love seconded the motion. The motion passed unanimously.

Mrs. Hamlett reported the Legal Office will file for certification of the rule prior to July 20, 2023, and the amended rule will become effective September 14, 2023.

Internal Audit Charter

Mr. Frank Snyder, Internal Audit Manager, and Commissioner Burdeshaw reported the Alabama Department of Rehabilitation Services (ADRS), Internal Audit Charter is updated on a periodic basis. The ADRS Internal Audit Charter was previously approved by the Board in 2016. The Internal Audit Section previously distributed and requested board members review the updated ADRS Internal Audit Charter.

Mr. Wilkinson moved to adopt and approve amendments to the department’s Internal Audit Charter which governs the role, scope of work, standards of performance, and reporting responsibilities of the Internal Audit Section. Mr. Kidd seconded the motion. The motion was passed unanimously.

FY 2022 – 2023 Operations Plan

Commissioner Burdeshaw reported after the Legislative Session, the Alabama Department of Rehabilitation Services (ADRS) received all requested funding including a \$2 million FY 2023 supplemental appropriation, and additional line-item funding in the FY 2024 Education Trust Fund (ETF) budget. The supplemental appropriation will enable the Vocational Rehabilitation Service (VRS) Program to draw down additional federal funding, at a four-to-one rate, prior to the close of this fiscal year, September 30, 2023. Additional funding in the FY 2024 ETF includes a \$1.7 million appropriation in the VRS Program. This new funding will enable the VRS Program to draw down an additional \$6.3 million annually, beginning October 1, 2023. ADRS also received a \$250,000 increase for the Alabama Head and Spinal Cord Injury Trust Fund Program. This will continue to fill a funding deficit caused by local municipality diversion programs. The increase for the third-year running is part of a four-year plan to make the program whole.

Mr. Wilkinson moved to adopt and approve amendments to the Alabama Department of Rehabilitation Services FY 2022 – 2023 Operations Plan for a supplemental appropriation increase from \$232,102,475 to \$234,402,475, and that authority be granted to the Commissioner and Chief Financial Officer to revise the Operations Plan within these spending levels. Mr. Kidd seconded the motion. The motion passed unanimously.

Commissioner Burdeshaw expressed her public appreciation to Gov. Ivey; Mr. Dave White, Senior Policy Advisor of the Governor's Office; Mr. Bill Poole, Finance Director of the Alabama Department of Finance; Ms. Doryan Carlton, State Budget Officer of the Alabama Department of Finance; Mr. Arthur Orr, Budget Chair of the Alabama State Senate; and Mr. Danny Garrett, Budget Chair of the Alabama House of Representatives who understand and support the Alabama Department of Rehabilitation Services' programs and the individuals and families that the department serves.

Division Updates:

Project SEARCH

Commissioner Burdeshaw and Mrs. Karen Jenkins, Deputy Commissioner, Vocational Rehabilitation Services, General Program, expressed their appreciation to the Alabama Board of Rehabilitation Services members that attended the Project SEARCH graduation ceremonies that were held statewide. These partnerships highlight the successes of young people with significant disabilities who chose to remain in high school an additional year and work as interns on job sites across the State of Alabama to gain skills leading to competitive integrated employment. ADRS currently has thirteen (13) Project SEARCH sites.

Alabama's Early Intervention System (AEIS) Update

Commissioner Burdeshaw and Ms. Amy Blakeney, Director, AEIS, reported that ADRS continues efforts to produce both effective and efficient services in AEIS. AEIS and fiscal leadership continue to meet weekly with the Professional Consulting Group (PCG) to discuss the AEIS rate study and fiscal management review.

Commissioner Burdeshaw and Ms. Blakeney received notification from the U.S. Department of Education's 2023 determination under Sections 616 and 642 of the Individuals with Disabilities Education Act (IDEA) that Alabama meets the requirements and purposes of Part C of IDEA. This determination is based on the totality of the State's data and information, including the Federal Fiscal Year (FFY) 2021 State Performance Plan/Annual Performance Report (SPP/APR), other State-reported data, and other publicly available information.

State of Alabama Independent Living (SAIL) Update

Mrs. Lisa Alford, Director, SAIL, reported that Ms. Lillian Butler, Homebound Program Specialist, is currently working on a Request for Proposal (RFP) for a new Fiscal Management Agency for Self-Directed Care. The RFP is expected to be published soon and a new Fiscal Management Agency will be chosen by September 1, 2023.

Commissioner's Comments and Legislative Update:

The Alabama Department of Rehabilitation Services successfully partnered with other agencies and advocacy organizations in support of legislation addressing issues impacting the lives of people with disabilities. The outcomes resulting from these efforts include:

- *Passage of the Colby Act: Sponsored by Senator Arthur Orr*
Relating to guardianships and conservatorships; to provide for a supported decision-making agreement as an alternative to a guardianship or conservatorship; and to provide the scope and limitations of a supported decision-making agreement.
- *Passage of Exton's Law: Sponsored by Representative Debbie Wood*
Relating to health care; to prohibit discrimination against an individual with a disability in receiving an anatomical gift or organ transplant based on his/her disability; to require healthcare providers and organ transplant centers to provide reasonable accommodations to individuals with a disability in medical need of an anatomical gift or organ transplant; and to provide disabled individuals the right to equitable relief.
- *Passage of the Noah Cade Act: Sponsored by Representative Leigh Hulsey*
Relating to law enforcement training; to require each law enforcement officer to undergo training related to individuals with certain sensory needs or invisible disabilities every other year; and to provide that the Alabama Peace Officers Standards and Training Commission will collaborate with a non-profit company to provide the training.

Council of State Administrators of Vocational Rehabilitation Services (CSAVR)

Commissioner Burdeshaw reported that several ADRS Executive Leadership Team members attended the CSAVR Spring 2023 Conference in Bethesda, Maryland. The public Vocational Rehabilitation Services Program is facing critical issues and the CSAVR Conference provided technical assistance from the U.S. Department of Education, the Rehabilitation Services Administration, the federally funded Technical Assistance Centers, and state programs that either had success or failure in the areas of concern. The primary issues involve the Congressional demand for an increase in the workforce participation rate of people with disabilities, the timely expenditure of federal funds, and the fact that approximately one and a half of the state programs returned federal funding to the Federal Reserve. There are several reasons for these issues, but the bottom line is there are people who need services, yet the program is returning money.

The unsettling news is that the Program has a national perception problem resulting from these issues and Congress controls most of the funding for the Program. The encouraging news is that Alabama has never returned federal funding in the Vocational Rehabilitation Service Program. ADRS has always had the required state match needed to maximize federal funding. ADRS is exceeding the national average in all the federal indicators except average wages at closure. ADRS is continuing to increase education and workforce partnerships aimed at the workforce participation rate. ADRS was asked to present on the agency's successful rapid engagement and retention leading to an increase in successful outcomes.

Commissioner Burdeshaw has already met with the Vocational Rehabilitation Service, Leadership Team, and began implementing some of the ideas that include:

- Removal of unnecessary barriers to education and training.
- Reduction in the types of training that require financial participation.
- Reduction in the frequency of approvals needed for college.
- Increase in the transportation and maintenance exemptions.

Mrs. Jenkins and Mr. Townsend reported during the recent Vocational Rehabilitation Services (VRS) Council meeting, there was ample discussion with the VRS Supervisors and State Office staff regarding rapid engagement, possible barriers that limit access to services, budget (additional supplemental which will allow for more federal funds), and ideas of spending additional funding. Based on the data review, discussion with VRS supervisors and Commissioner Burdeshaw, and approval from the State Rehabilitation Council (SRC), VRS has made changes to the VRS Education and Training policy to enhance service provision and streamline the application process for requesting education services. VRS consumers applying for a technical certificate, or a two-year college will not be required to complete a placement survey, essay, or provide tax returns. The only requirement is to submit the completed Free Application for Federal Student Aid (FAFSA). VRS consumers applying for four-year college will need to submit their completed FAFSA applications and tax returns since the benefits are calculated on a sliding fee scale based on financial need. Consumers will have choices and may elect to utilize their monies for room and board, allowing consumers the choice to live on campus even if the college is in their hometown.

In addition, Commissioner Burdeshaw reported ADRS is already planning for usage of the increased state match and federal funding that will result from the FY 23 Supplemental and FY 24 Budget Appropriations. Plans include:

- Payments associated with examples listed above (college training and short-term workforce certifications).
- Rapid engagement enhancements (on-line application development and ability to safely upload eligibility documentation).
- Expanding Benefits Counseling Services (increase staff and include them earlier in the VR process).
- Enhancing the Older Alabamians System of Information and Services (OASIS) Program.
- Increasing job-driven training partnerships with businesses.
- Increasing work-based learning opportunities.

Commissioner Burdeshaw was pleased to report that she has served on the Council of State Administrators of Vocational Rehabilitation Services (CSAVR) the past several years in various ways, including as co-chair of the Careers and Business Relations Committee. Currently, she has completed two (2) terms in this role, and it is time to step down. She has been asked to serve as the CSAVR Region IV Representative. In this new role, she will conduct meetings of the southeastern states and Puerto Rico, and participate on the Executive Committee.

Governor Ivey's Executive Orders Response

Commissioner Burdeshaw reported the Alabama Department of Rehabilitation Services continues to respond to requirements resulting from recently issued Executive Orders from the Governor's Office.

John Mascia, Au.D., to Retire as Alabama Institute of Deaf and Blind President

Commissioner Burdeshaw announced the retirement of Dr. John Mascia, President, Alabama Institute for Deaf and Blind (AIDB). The AIDB Trustees will begin a nationwide search, and Dr. Mascia will stay until the new President is selected and arrives on the AIDB campus. Therefore, ADRS will be losing Dr. Nancy Mascia, wife of Dr. John Mascia. She is an Audiologist in the Vocational Rehabilitation Services Program, Blind and Deaf Services, in the Homewood office.

2023 AlabamaWorks! Workforce Conference

Commissioner Burdeshaw announced the 2023 AlabamaWorks! Workforce Conference will be held at the Renaissance Montgomery Hotel and Spa at the Convention Center on September 6 – 8, 2023.

Announcements:

Alabama Board of Rehabilitation Services meeting dates for 2023:

- Thursday, September 14, 2023 – 10:00 a.m., Easterseals of West Alabama/Tuscaloosa
- Thursday, December 7, 2023 – 10:00 a.m., ADRS Montgomery/State Office

There being no further business, the meeting was adjourned at 10:58 a.m.

Minutes were taken by Karen Freeman.

Respectfully submitted:



Jane E. Burdeshaw, Commissioner

Approved:



Charles E. Wilkinson, Chair