

North Carolina Council for the Deaf and Hard of Hearing

Quarterly Meeting Minutes

August 5, 2022

9:00 am – 1:00pm

Virtual Meeting

Members Present:

Christina Armfield
Greta Knigga-Daugherty
Antwan Campbell
Rep. Carla Cunningham
Meredith DeNaples
Dr. Kathy Dowd
Kevin Earp
Michael Evola
Rebecca Freeman
Dr. Erika Gagnon
Pattie Griffin
Randal Lee Hartline
Mike Lupo
Dr. Claudia Pagliaro
Daphne Peacock
Megan Pender
Laurie Ann Rook
David Rosenthal
Donald Tinsley Sr.
Hope Turpin

Ex Officio:

Jan Withers (Present)

Liaison:

Kimberly Harrell (Present)

Members Absent:

Linda Amato
Betty Kelly
Senator Bill Rabon
Dr. Robert Nutt
Sarraah Waleed
Rep. Diane Wheatley
Elizabeth Strachan

Current Vacant Council Seat(s)

Senate Appointees (2)- President Pro Tempore
Governor Appointees -Parent of a Deaf or HOH Pre-school
child

Call to Order: The meeting was called to order at 9:00 a.m. by David Rosenthal, Chair

Welcome; Introductions; Ethics Reminder; Approve Minutes from May 6, 2022

Motion: Donald Tinsley (Michael Evola) moved to approve the minutes from May 6, 2022, Council meeting. **Motion passed.**

None of the members acknowledged having a conflict of interest or appearance thereof on matters listed on this agenda

David Rosenthal, Chair

Acknowledged three vacant seats on the Council: Meredith DeNaples, resigned; Senator Bill Rabon, term expired; and Second Senate seat, vacant. Several members have been reappointed: Megan Pender, Daphne Peacock, Elizabeth Strachan, and Erica Gagnon. Hope Turpin was welcomed to the Council and replaces Craig Blevins as a Deaf Consumer representative. Linda Amato has had to step down as vice-chair, as she recently had a baby. Anyone interested in becoming vice-chair please reach out to David.

Lobbying vs. Educating: What is the Difference?

David Smyth, Education Counsel, North Carolina State Ethics Commission

There are Two Kinds of Lobbying

- Direct lobbying is influencing or trying to influence legislative or executive action through direct communications with a legislator, legislative employee, or public servant or an immediate family member of one of those.
- Goodwill lobbying which is developing goodwill including building relationships with a legislator, legislative employee, or public servant, or an immediate family member of one of those with the intention of influencing current or future legislative or executive action.

Legislative Actions

- Include steps in the legislative process taken by a legislator or legislative employee. It includes preparation, introduction, consideration, passage, or rejection of a bill, resolution, amendment, or motion. It could include the Governor's consideration of any bill for approval or veto.

Lobbying Exclusions

- There are many exclusions but the following three most likely will apply to the Council
 - Testifying before a committee
 - Providing information at the request of a legislator or legislative employee
 - Expressing personal opinions about legislative actions

Who is Covered by the Lobbying Law?

- Lobbyist- an individual paid to influence legislative or executive action by communicating with or developing goodwill with designated individuals

- Liaison personnel- a state employee whose principal duties include lobbying legislators or legislative employees. An employee would have to spend at least 5% of their time in a 30-day period engaged in direct lobbying and the direct lobbying includes the direct communications with a legislature or legislative employee. Or at least 5% of their time in a 30-day period engaged in goodwill lobbying.
- Lobbyist principal- the person or governmental unit who hires the lobbyist and who pays for the lobbying. The law says lobbyist principals are not State agencies . State agencies are almost always prohibited from hiring independent contractor lobbyists. Local Government agencies including cities are allowed to hire independent contractor lobbyists. Lobbyists principals are required to authorize all their lobbyists by filing a document with the Secretary of State's office.

Two Categories of Lobbyists

- Independent Contractors
- Employees

Note: there are civil and criminal penalties associated with violating the lobbying law. One of the violations is lobbying without being properly registered.

State agencies and boards cannot contract with independent lobbyists to lobby for legislative action unless their statute specifically allows it.

Advocacy vs. Lobbying

Advocacy	Lobbying **
We hope you will support and pass legislation that allows people with disabilities to work.	We think you should vote Yes on HB1234.
We hope you will not support this legislation that makes it harder for people to get a job.	We think you should vote No on HB1234.
These new rules do not allow people to get the education and training they need to work independently.	We are totally against this work program.
We have data, analysis, and research to increase understanding of this issue and possible solutions (recommendations).	You should put “this text” in HB1234 and fund the ABC program at \$1 million.
State Councils provide valuable expertise to broad stakeholders and help to improve services and opportunities for individuals with disabilities. Please continue your support of Councils on DD.	North Carolina should get \$3 million next year.

Post-Secondary Transition Collaboration

Kevin Earp, *Rehabilitation Program Specialist on Deafness and Communication Disorders, Employment Services and Program Development, Division of Vocational Rehabilitation*

Virginia Madorin, *Consultant for Deaf & Hard of Hearing and Co-Director, NC DeafBlind Project, NC Department of Public Instruction*

Johanna Lynch, *Parent Educator, BEGINNINGS*

Kevin Earp

Transitional services for students are a critical part of their life journey and transitioning from school at all levels and entering adulthood whether it be post-secondary or the workforce. We are fortunate to be part of the National Deaf center. Funds have been set up and established with the National Deaf Center for post-secondary outcomes, and purpose of this is to expand different programs and bring people together and develop ideas on how to expand those services for children in the future.

Virginia Madorin

Department of Instruction (DPI)

- Virginia Madorin covers the western four regions of North Carolina
- Nancy Woytowich covers the eastern four regions
- Antwan Campbell is the statewide consultant for interpreters and transliterators



We are available for consultation, program planning and development, training, and professional learning, mentoring, and coaching, and technical assistance to support professional serving students who are Deaf and Hard of Hearing in our local education agencies. Our team also assists with questions about policies, specifically related to students who Deaf and Hard of Hearing. The National Deaf Center is a technical assistance and dissemination center that is federally funded by the United States Office of Special Education Programs. Our mission is to close substantial gaps in education and employment that exist for students who are Deaf in the United States, specifically in post-secondary transition.

The goal of the State initiative is to bring state leaders together from agencies and vocational rehabilitation to support an exchange of ideas and collaborate to improve those post-secondary outcomes for students.

Engage for Change State initiative

- Ten-part webinar series entitled Transition Tuesdays
 - Topics within the series
 - Transition 102
 - Accessing Higher Education
 - Healthcare Rights for Individuals with Hearing Loss
 - Parent Rights
 - Vocational Rehabilitation

- Began in 2020-2021 school year and goal was to offer a product that could be used as a later source of information to those working with students who were preparing to transition to post-secondary
- All webinars within series have been recorded for dissemination

What's Next?

- Our team met with the National Deaf Center to discuss next steps and brainstorm options. It has been decided to create another synchronous deliverable that can be used as a tool to those working with students who are Deaf and Hard of Hearing. To highlight numerous potential post-secondary outcomes for our students, we have decided to create a collection of interviews that highlight various professions or trades, communication modalities, ethnicities, and cultures to show students preparing for transition what some of their potential options might look like. Our hope was to offer this to teachers and IEP teams as a resource to use as they begin having conversations with students around post—secondary transition.

Johanna Lynch

We are a 35-year-old nonprofit organization. Currently there are ten parent educators working across the state. We work with parents from the time their child is identified until they turn 22. Parents are taught about audiological reports and how that information impacts that family. They also are taught about hearing, languages used in Deaf and Hard of Hearing communities, and language development. We connect parents to resources and teach them to advocate effectively for what is appropriate for their child.

Our goal is to teach parents and caregivers advocacy skills to teach their children eventually. As an organization, BEGINNINGS has recognized for years that we really need to be better supporting our transition to adulthood students.

We want parents to remember to come back to us through their child's education career. We can support them at each stage of transition, but we have noticed that parents forget that we exist. In 2018, we decided to change the way we did things. Now, when a child turns 13, we reach out to the parents and start having conversations at that time before their student enters high school. We start planning for post -secondary life.

We've done a lot of research and gathered a lot of information to be able to share with parents. We help them understand their students' needs and what other services are available through the different state agencies that support transition to adulthood as well as adult life. We talk with them about what are their goals: the student goals as well as the parent goals. And I should point out this is the first time that BEGGINNINGS is actively meeting with students - we typically meet just with parents and support them.

We are looking expand our region and eventually collaborate with all the regional centers across the state. If you know of a parent or student that would benefit from our help, please pass our information on to them.

Kevin Earp

Vocational Rehabilitation Staff

- 1 Statewide Coordinator for the Deaf
- 13 Rehabilitation Counselors for the Deaf
- 3 Business Relations Representatives
- 11 Casework Technicians

3 Regional Centers

- 14 offices located throughout the state

Our goal is to promote employment for persons with disabilities through customer partnerships and community leadership. People with disabilities have successful employment outcomes whether it be through partnerships with communities or leaders within the community.

Statistic Overview

Funding

- \$80 million from Federal funding
- \$25 million from State and other funding sources

Return on Investment

- Spent \$105 million
- In 5 years, the clients have earned \$346 million (2016-2021)

Pre-Employment Transition Services – Pre-ETS

- A set of activities defined by the Federal Workforce Innovation and Opportunity Act of 2014. The intent is to expose students with disabilities at an early age to self-advocacy, postsecondary training, and employment skills and options.
- Purpose is to help students with disabilities who have barriers by providing training under a set of activities which are:
 - Job exploration counseling
 - Workplace readiness training
 - Instruction in self advocacy
 - Counseling on post-secondary options
 - Work-based learning experience
- The required age to receive services is 14-21, these students must have a disability and still attend high school, post-secondary school, home school or nontraditional secondary education programs. The student can be 22 and still receive services if he/she is still in high school (last year of high school) and has an IEP.
- VR has a Grant opportunity available to increase the Divisions capacity for reaching and serving students with disabilities across North Carolina
- 2700 students have participated in pre-employment transition services (pre-ETS)

Announcements

- Camp Dogwood for DeafBlind individuals will take place on September 15-18th at Lake Norman
- Taste of Technology a one-day technology expo, designed specifically for people who are DeafBlind, will take place on October 1, 2022, at the McKimmon Center in Raleigh
- Hearing Loss Association of America is hosting a Walk4hearing on October 9th in Cary
- Assistive Technology Virtual Expo taking place on September 29th
- September is Deaf Awareness month. Lots of events and speakers happening during this month. Events are shared on DSDHH Facebook page
- Visit DHHS web page for information about the Monkeypox virus

- DSDHH staff is very close to finalizing a suite of resource materials regarding Telehealth and accessibility. It will be for people who are Deaf, Hard of Hearing, Deafblind, Interpreters and Healthcare Providers
- Donald Tinsley, Diversity/Disability Committee chair has announced on Facebook that his committee is looking for people to join. If interested, email Donald at Tinsleydonald49@gmail.com
- Donald Tinsley also announced the Diversity/Disability committee is working on accessibility issues regarding captioning and assessing what legal requirements there are in other states. Other states have captioning laws. The committee is working on drafting a proposal to present to the Council to potentially approach the legislature with a draft law on captioning
- SERID conference will be hosted in North Carolina in 2023
- Linda Amato recently had a baby boy

North Carolina Olmstead Plan

Holly Riddle, Esq., Assistant Director for Olmstead Plan Implementation
Office of the Secretary, Department of Health and Human Services

What is the Olmstead and OPSA (Olmstead Plan Stakeholder Advisory)?

- Olmstead v. L.C. is a United States Supreme Court case
- All states must implement the Court's decision
- OPSA is a diverse group of stakeholders appointed by the Secretary to advise the State on its work to implement the Court's decision
- OPSA has over 40 stakeholders
- Olmstead-based efforts with the Department of Health and Human Services
 - Money Follows the Person (MFP)
 - Transition to Community Living (TCL)
 - Strategic Housing Plan
- Olmstead comes from the American Disabilities Act and ADA's Mandate of Community Integration

ADA's Integration Mandate

- ADA's integration mandate requires that individuals receive services in the most integrated setting appropriate to their needs
- Preamble to ADA's Title II (Public Accommodations) regulations: an integrated setting is one that enables individuals with disabilities to fully interact with people without disabilities
- In 1999 SCOTUS interpreted the ADA's Integration Mandate in Olmstead v. L.C.

NC's Olmstead Plan is the State of North Carolina's response to the US Supreme Court case, Olmstead v. L.C.

- **An Olmstead Plan is intended to:**
 - Be a public entity's plan for implementing its obligation to provide people with disabilities opportunities to live, work and be served in integrated settings
 - Reflect an analysis of the extent to which the public entity is providing services in the most integrated setting and contain commitments to expand integrated opportunities
 - Have specific timeframes and measurable goals for which the public entity may be held accountable
 - Identify funding to support the plan

- Address commitments for each group of people who are in the segregated settings
- Demonstrate success in moving individuals to integrated settings in accordance with the plan
- **Who is the NC's Olmstead Plan About?**
 - People with disabilities who live in facilities, developmental centers, psychiatric hospitals, skilled nursing facilities and adult care homes
 - People in other segregated settings
 - People at serious risk of institutionalization or segregation
 - The target population goes across all disabilities as defined by the ADA
- **Developing the Plan**
 - The TAC Report – an extensive review of data, policies and reports across populations and across systems
 - First Olmstead Plan Stakeholder Advisory (OPSA I)
 - Input for the public comment
 - Inset into the framework for the first two years of work Calendar Year 2022-2023
- **What is the second Olmstead Plan Stakeholder Advisory (OPSA II)**
 - OPSA II supports the implementation of the Olmstead Plan
 - A partnership-diverse organization, agencies and individuals with lived experience appointed by Secretary Kinsley, NC DHHS
 - OPSA II meets quarterly and has five committees
 - Workforce Development
 - Transitions to Community
 - Competitive Integrated Employment
 - Quality Assurance/Performance Improvement
 - OPSA II members will serve calendar year 2022-2023
- **Olmstead 11 Plan Priorities**
 - Increase access to home and community bases services
 - Address the direct support professional crisis
 - Help people with disabilities leave institutions and other segregated settings
 - Increase competitive integrated employment, supported education and pre-employment transition services
 - Increase opportunities for inclusive community living
 - Address gaps in services
 - Explore alternatives to full guardianship
 - Address disparities in access to services
 - Increase input from people with disabilities (people with lived experience)
 - Reduce transportation burdens for people with disabilities
 - Use data for quality improvement
- **Where can you find the Olmstead Plan”**
 - It is on the DHHS Olmstead website
<https://www.ncdhhs.gov/about/department-initiatives/nc-olmstead>

There being no further business and announcements, the Council meeting was adjourned at 12:02pm

2022 Meetings: November 4th

2023 Meetings: February 3rd, May 5th, August 4th, November 3rd

<https://www.ncdhhs.gov/divisions/dsdhh/councils-commissions>