

## **North Dakota Olmstead Commission Meeting Minutes of June 3, 2025**

### **Voting Members Present**

Veronica Zietz, Christopher Joseph, Carey Goetz, Senator Kathy Hogan, Tawnya Taylor, Scott Burlingame, Julianne Horntvedt, Donene Feist, and Reuben Panchol

### **Voting Members Absent**

Representative Alisa Mitskog and Judge Bobbie Weiler

### **Non-Voting Members Present**

Jen Einrem (for Chad Frisinger) – DOT, Patrick Bertagnolli – Job Service, and David Flohr

### **Other Attendees**

Becky Rosenkranz and Stephanie Bouche, P & A Project; Lori Garnes, NDCPD

### **Welcome and Introductions**

The meeting was called to order at 1:06 p.m. and introductions were made by everyone present.

Ms. Rosenkranz took the roll call of all Voting and Non-Voting Members present.

### **Agenda Approval**

The agenda covering Approval of Agenda and Approval of December 2024 Minutes, Bylaw Updates, Olmstead Advisory Council, Olmstead Plan Review Goal #7 employment opportunities & incomes, Presentation Competitive Integrated Employment – Lori Garnes, NDCPD, Presentation Debrief, Upcoming Meeting Dates, and Public Comment was reviewed. MOTION: A motion was made by Senator Hogan, and seconded by Ms. Goetz, that today's agenda be approved as presented. The motion passed.

### **Minutes Approval**

MOTION: A motion was made by Ms. Zietz, and seconded by Ms. Goetz, that the December 11, 2024, meeting minutes be approved as typed. The motion passed.

### **Bylaw Updates**

Mr. Joseph asked Commission members to refer to the copy of the Bylaws provided in their meeting packet. He noted that the biggest change to the Bylaws is the change in Executive Order 2018-5.1 to Executive Order 202405. He added that the number of voting members has been changed to 11 and grammatical corrections have been made throughout the document. The new Executive Order has been e-mailed to Commission members a few times and is also available in the Teams Chat. Mr. Joseph noted that Governor Bergum signed the new Executive Order on August 16, 2024. The previous Order required some clarification as to the Commission's advisory role and the addition of several new

Commission members. Senator Hogan asked with the addition of new members if they were chosen based on the new Bylaws. Mr. Joseph stated that they were. Mr. Joseph asked if there were any concerns or questions after reviewing the new Bylaws. There were none.

MOTION: A motion was made by Senator Hogan, and seconded by Ms. Feist, that the Olmstead Commission adopt the new Bylaws as presented. The motion passed.

### **Olmstead Advisory Council**

The Olmstead Advisory Council (OAC) was created a few years ago, consisting of individuals with lived experience and served as a subcommittee of the Olmstead Commission. Mr. Joseph asked if the OAC is something the Commission wants to see continue and how useful this group has been to the full Commission. Ms. Zietz stated that the OAC hasn't been operational for about a year now. She added that she doesn't feel like there has been as much input from this group as individuals with disabilities would like to see. The group has not been as effective as we had hoped they would be. Mr. Burlingame noted that any opportunity to include people with disabilities who can benefit from this group is important. Gathering specific information on a particular subject and continuing to engage these individuals in whatever topic they may be dealing with as a committee is beneficial. Ms. Horntvedt stated that she agreed with Mr. Burlingame and would like to see this committee actively involved with the Olmstead Commission, bringing issues back to the public as needed.

Mr. Panchol asked if there were any downsides or struggles for the Commission to have the OAC in place. Ms. Zietz noted that while creating this opportunity is important, boundaries must be set in an advisory only capacity. Sometimes those that are the most vocal are struggling the most. It is good to hear these struggles, but also very hard. It has been a challenge to get people to engage in meetings and show up at meetings.

Senator Hogan asked how these individuals are chosen to serve on the OAC. Ms. Zietz stated that there is an application process and then the Olmstead Commission members select the best candidates. There are no specific rules in the application process. Senator Hogan asked if Olmstead Commission members could join the OAC. Ms. Zietz stated that the OAC is governed by the open meeting laws just like the Olmstead Commission meetings and is public noticed. A P & A staff member and a voting member of the Olmstead Commission have been present to help facilitate this group.

MOTION: A motion was made by Ms. Goetz and seconded by Ms. Horntvedt that the Olmstead Advisory Council continue in its advisory role. Mr. Burlingame added that it is important to do everything we can to engage everyone we can in the process as a best practice. The more the merrier to get their voices heard. The motion passed.

### **Olmstead Plan Review Goals #7 employment opportunities & incomes**

Mr. Joseph introduced Ms. Lori Garnes, the Executive Director of the North Dakota Center for Persons with Disabilities, to provide information to the Commission on Competitive Integrated Employment.

### **Presentation Competitive Integrated Employment – Lori Garnes, NDCPD**

Ms. Garnes stated that she was invited to today's meeting because NDCPD has a program called ND Create. This is a project that was developed through a ND grant, but has not been in play for several years. She added that it started with a DD Council grant back in 2018. She noted that the state and a network of DD providers looked at strategized employment, which was considered sheltered employment, sometimes for pay and sometimes not. Ms. Garnes described supported employment as a job for pay, with a job coach. Customized employment was the next level after that. She added that a lot of work goes into planning the person's employment, no matter what their disabilities, everyone has marketable skills that they should get paid for. The talents of each person should be looked at individually. A team develops their person-centered plan; what do they like to do, what can they do that is valuable to others, explore different environments, gradually carving a job for that person. Ms. Garnes shared a story of a young man who was non-verbal and worked in a grocery store in Minot. The young man relocated to Bismarck and works at Costco for \$20 per hour as a food sampler. This young man is a valuable member of that team and fulfills a really important role. We don't want to limit people by what they can't do. Building in supports for this individual, i.e. a job coach, is helping the employer to learn how to work with a person with a disability. Ms. Garnes noted that customized employment is a lot of work and can be expensive. It can take up to a year to do a good assessment to find the right employment for an individual. A downside of the program is that the person may not be flexible enough. Ms. Garnes stated that in her opinion, if the individual can get the job they want, they know they are valued and can sit taller by putting themselves out there; we will count this as a win.

Ms. Garnes added that after the DD Council launched the Bridging the Gap grant, Vocational Rehabilitation asked NDCPD if they would put together a training course so that they could learn customized employment and have it become a billable service. Prior to 2020 VR asked NDCPD to do a pilot project with 12 providers. The contract ran out and VR had to take a break to assess their plans. A year later they decided it wasn't anything they wanted to pursue. There was high staff turnover and understaffing due to Covid 19 at that time. Ms. Garnes stated that NDCPD is all in with customized employment through 2027. The program is called Journey into Employment and it's for transitioning youth. The purpose of the grant is to identify and work with disconnected youth and it is not exclusive to people with disabilities. There is a lot of family engagement in this project and the family helps guide the process into what is best for their child. The program is driven by the person themselves and their family. Ms. Garnes described the four training modules available to direct support staff. She added that there aren't many agencies willing to go through this program. It is a nationally accredited program. Ms. Zietz asked what the time commitment is for providers to complete the modules. Ms. Garnes stated that modules are an 8-week practicum, so it would be a 2-year process. Ms. Goetz asked if there are any disqualifications for the individual making too much money and still keeping their benefits. Ms. Garnes stated that the families are in charge of monitoring the individual's benefits as they are the experts on their child's benefits. Mr. Joseph asked about the risk of losing benefits if an employer like Costco pays insurance, etc. Ms. Garnes stated that if the individual does have insurance, Medicaid could be a backup.

Senator Hogan asked how many providers continue to use this training today. Ms. Garnes stated that there are quite a few providers that continue to use this training model, i.e. Hav-It in Harvey, a Dickinson provider, and many others. There are some providers that have completely shut down sheltered workshops. Senator Hogan mentioned the closing of the Burdick Job Corp in Minot and questioned if they were involved with this training.

Ms. Garnes stated that she wasn't aware of that closure.

Ms. Zietz questioned enhancing customized employment and how we can make a difference without time and money. Ms. Garnes noted that The Department of Public Instruction is the training hub for special education and high school transition teachers. Whatever existing training is already there, specifically the DD modules, we need to find a way to get them out to the public. Ms. Zietz asked what the biggest roadblock is or what the barriers are for a providers not to take on this practice. Ms. Garnes stated that the biggest obstacle appears to be the time that is needed to go into the program. She added that there are so many requirements that just have to be done for legal reasons. Teachers are busy with required IEPs and evaluations, so things like this that are considered optional fall off the provider's radar.

Ms. Horntvedt stated that there were four (4) \$15,000 grants made available to move away from the sheltered workshop model, but there were no applications the first time around. There are providers that believe in this model but there was not enough money to do a one on one. We need to keep trying to present this material at conferences. She added that there are qualified people that aren't benefiting from this. Ms. Garnes noted that the state of Washington uses only customized employment, and ND has asked them to teach us regarding IEP person centered planning. She added that providers thought they understood person center planning, but they did not. Mr. Joseph asked Ms. Garnes if there is anything NDCPD needs from the State of ND at this time. Ms. Garnes stated that more resources will always be welcomed; money for providers and schools to hire subs to help free up the time to learn this model.

Senator Hogan asked where the folks that worked on this project are today. That's how you change culture. Ms. Garnes noted that recognizing employers who follow these models is extremely important. Ms. Goetz added that tax credits for those employers who keep people on may be a good incentive. Ms. Zietz suggested that Vocational Rehabilitation get back on board with resources and priorities. Ms. Garnes stated that if providers could get reimbursed more people would do it. They are leaving the program because they can't recoup their costs.

Ms. Garnes was thanked for her very informative presentation. She provided the Commission with a Discovery Flow Chart: your path to customized employment and the Discovering Personal Genius: a Team Process Chart.

### **Presentation Debrief**

Ms. Goetz stated that getting Vocational Rehabilitation back on board should be the goal for this project. Ms. Garnes stated that this would make a huge impact. Senator Hogan stated, not just VR, but the DD

and Medicaid areas that support work activities would provide a bigger view than just VR. Ms. Horntvedt agreed with Senator Hogan.

### **Upcoming Meeting Dates**

The next two Olmstead Commission meeting dates are Wednesday, August 13, 2025 from 1:00 – 3:00 p.m. and Wednesday, November 12, 2025 from 1:00 – 3:00 p.m.

### **Public Comment**

Ms. Bouche asked Commission members what specific goals they would like to see addressed at future Olmstead Commission meetings.

Senator Hogan stated that she would really like to hear more on Goal #4 regarding housing issues for people with disabilities, specifically those over age 65.

Ms. Zietz stated that she would like to see further discussion on Goal #7. Could an amendment be made to the waiver, what could the Commission's influence be in this area, and what could be done to push this goal forward. Mr. Burlingame stated that there are a lot of employment barriers across the board that need to be addressed. Senator Hogan stated that additional data would be helpful. Ms. Zietz questioned how the 1915i is going.

Commission members agreed to continue its discussion on Goal #7 for its August meeting and then follow up with Goal #4 at its November meeting.

### **Meeting Adjourned**

The meeting was adjourned at 2:10 p.m.

The next Olmstead Commission meeting is scheduled for Wednesday, August 13, 2025 from 1:00 – 3:00 p.m.