

APPROVED AGENDA  
ADVOCACY, OUTREACH, AND EDUCATION COMMITTEE  
THURSDAY, November 7, 2019  
12:15 PM – 1:45 PM  
Waterbury Vocational Rehabilitation  
Room Cherry C  
HC 2 South 280 State Drive, Waterbury, VT 05671

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|----------------------------|--|
| <b>12:15 pm – 12:17 pm</b> | <b>Introductions</b> (Sam Liss, Chair)   |
| <b>12:17 pm – 12:18 pm</b> | <b>Approval of Agenda</b> (Sam Liss)   |
| <b>12:18 pm – 12:20 pm</b> | <b>Open for Public Comment</b>   |
| <b>12:20 pm – 12:22 pm</b> | <b>Approval of Minutes – September 5, 2019</b> (Sam Liss)  |
| <b>12:22 pm - 1:00 pm</b>  | <b>Legislative Updates</b> (Group) <ul style="list-style-type: none"><li>• ABLE Age Adjustment Act (S.651; HR 1814)</li><li>• CAPABILITY Act (H.R. 3070)</li><li>• Disability Employment Incentive Act (S.255)</li><li>• Long Term Unemployment Elimination Act (S.1920)</li><li>• MFP reauthorization/extension, etc. Act (HR 3253)</li><li>• National Council on Independent Living (NCIL) policy proposals on Childhood Disability Beneficiaries (CBDs) and eliminating the termination age of 65 for Medicaid Buy Ins (MBIs)</li><li>• The Empower Care Act (Money Follows the Person Reauthorization) (HR5306 S2227)</li><li>• Transformation to Competitive Employment Act (S.260; HR 873)</li><li>• The Social Security 2100 Act (HR 860)</li></ul> |
|                            | <b>State Related Legislation:</b> <ul style="list-style-type: none"><li>• \$15 Per Hour Minimum Wage/Family Leave Bills</li><li>• Attendant Services Program (ASP)</li></ul>   |
| <b>1:00 pm - 1:40 pm</b>   | <b>Calendar of Upcoming Events</b> (Group) <ul style="list-style-type: none"><li>• <b><u>12/2/19 Governor's Summit on the Employment of People with Disabilities</u></b> (aka Disabilities Transportation Summit). To be held at the DoubleTree Inn.</li><li>• <b>April 2, 2020 Save the Date for VFN's 2020 Annual Conference in South Burlington</b></li><li>• <b>April 2, 2020 Save the Date for the Card Room Event, State House</b></li><li>• <b>SILC Olmstead Summit (tentatively scheduled for May 2020)</b></li><li>• <b>Other</b></li></ul>   |
| <b>1:40 pm – 1:45 pm</b>   | <b>Other Business</b>  |
| <b>1:45 pm – 1:45 pm</b>   | <b>Adjournment</b> (Sam Liss)  |

# **Advocacy, Outreach, and Education Committee Meeting**

Thursday, September 5, 2019 from 12:15 p.m. to 1:45 p.m.

Waterbury State Office Complex

Cherry C Conference Room, HC 2 South, 280 State Drive, Waterbury, VT 05671

## **Meeting called by:**

Sam Liss, Chair, called the meeting to order at 12:19 p.m.

## **Members Present:**

- 1) Max Barrows (via Skype)
- 2) Martha Frank (via Skype)
- 3) Marlena Hughes
- 4) Sam Liss
- 5) Bill Meirs
- 6) Calla Papademas (Via Skype)
- 7) Michelle Paya
- 8) Olivia Smith-Hammond (via Skype)

## **Members Absent:**

- 1) Sherrie Brunelle
- 2) Diane Dalmasse ex-officio, non-voting
- 3) Cari Kelley
- 4) Sarah Launderville

## **SRC Liaison:**

James Smith was not able to attend

## **SRC Coordinator:**

Debra Kobus

## **Interpreters:**

None.

## **Speakers or Presenters:**

None.

## **Guests:**

Donna Curtin, Helena Kehne

## **1) Introductions (Sam Liss)**

**Discussion:**

Those in attendance went around the table and introduced themselves.

**Conclusions:**

Thanks to everyone!

**Action Items, Person Responsible, Deadline:**

None.

**2) Approval of Agenda (Sam Liss)****Discussion:**

Sam asked for any proposed additions or changes to the agenda. There were none. Calla moved to accept the agenda and it was seconded. No further discussion. All approved. Vote unanimous 8-0-0.

**Conclusions:**

Motion passes: today's agenda accepted.

**Action Items, Person Responsible, Deadline:**

None.

**3) Open for Public Comment (Sam Liss)****Discussion:**

No one from the public was in attendance.

**Conclusions:**

n/a

**Action Items, Person Responsible, Deadline:**

None.

**4) Approval of Minutes for May 2, 2019 (Sam Liss)****Discussion:**

Sam asked for any proposed changes or amendments to the May 2, 2019 minutes. There were none. Bill moved to approve the minutes and it was seconded. No discussion. All approved. Vote unanimous 8-0-0.

**Conclusions:**

May 2, 2019 minutes were approved.

## Action Items, Person Responsible, Deadline:

Upload approved minutes to SRC website. **Debra Kobus**, September 10, 2019.

## 5) Legislative Updates (Group)

### Discussion:

Sam provided an update on the following legislation:

- **The Able Age Adjustment Act (S651)**  
(<http://www.ablenrc.org/news/introducing-s-651-able-age-adjustment-act>) was introduced with strong bipartisan support. This bill increases from 26 to 46 the age threshold for tax-favored ABLE (Achieving a Better Life Experience) accounts. It requires large offsets so as not to increase taxes.

**May 2 Update:** The positive movement is the National Down Syndrome Society now supports it. The National Association of State Treasurers supports it as it is the right thing to do.

**September 5 Update:** It is gaining momentum in Congress on a bipartisan basis. Anyone who is eligible and takes out an Able Account is not subject to SSI limitation up until \$100,000 and can maintain their Medicaid no matter what they have in their account. An ABLE account is a tax-advantaged savings account available to individuals diagnosed with significant disabilities before age 26. Previously, only those who incurred disability prior to the age of 26 were eligible. This act raises eligibility up to age 46. Beth Pierce, Vermont State Treasurer and a member of the National Association of State Treasurers, is in support of this change. It would benefit our veterans. It is still in committee.

- **NEW- Capability Act (H.R. 3070)**  
(<https://www.congress.gov/bill/116th-congress/house-bill/3070>). Representatives Seth Moulton (D-MA) and Cathy McMorris Rodgers (R-WA) introduced on June 4th, 2019 an amendment to the Rehabilitation Act of 1973 in order to establish a demonstration program to assist transition-aged youth with covered disabilities in obtaining customized, competitive integrated employment. This Act may be cited as the “Customized Approaches to Providing and Building Independent Lives of Inclusion for Transition-aged Youth Act of 2019” or the “CAPABILITY Act of 2019”. The bill creates six competitive grants for states that would span four years. The states

that earn the grants would use them on pre-employment transition services that support Americans with autism spectrum disorder or intellectual and developmental disabilities that comply with requirements applicable to competitive, integrated employment.

On June 3, 2019 the bill was referred to the House Committee on Education and Labor. The details will be in the regulations.

- **The Disability Employment Incentive Act (S.255)**

<https://trackbill.com/bill/us-congress-senate-bill-255-disability-employment-incentive-act/1660188/>. A bill to amend the Internal Revenue Code of 1986 to include individuals receiving Social Security Disability Insurance benefits under the work opportunity credit, increase the work opportunity credit for vocational rehabilitation referrals, qualified SSI recipients, and qualified SSDI recipients, expand the disabled access credit, and enhance the deduction for expenditures to remove architectural and transportation barriers in the handicapped and elderly.

On January 29, 2019, the bill was reintroduced. The bill text had not changed from last year. It will expand three existing tax credits to support employers who hire individuals with disabilities and make workplaces more accessible to those employees.

**September 5 Update:** There is bipartisan support and is just sitting in committee. 1) It would double the opportunity tax credit from \$15K to \$30K 2) employers could include those on SSDI and SSI and 3) extends credits to employers who eliminate transportation and physical barriers to employment for people with disabilities and seniors.

- **NEW- Long Term Unemployment Elimination Act (S.1920)**

<https://www.congress.gov/bill/116th-congress/senate-bill/1920?s=1&r=42>. On June 20, 2019, U.S. Senators Chris Van Hollen (D-Md.) and Ron Wyden (R-Ore.) introduced the Long-Term Unemployment Elimination Act, which would create an innovative federal program that would generate real job opportunities for people who have been unemployed for six months or more. It would provide another funding stream through the Workforce Investment Board and encourage them to utilize their influence to reduce the possibility that PWD and others with difficulty obtaining employment to have extended periods of unemployment. This bill is in the first

stage of the legislative process. It will typically be considered by committee next before it is possibly sent on to the House or Senate as a whole. It is supported by a wide range of groups.

- **MFP Reauthorization/Extension Act (HR 3253) (Money Follows the Person Bill (Medicaid)) May 2:** More good news! Short-Term Money Follows the Person Extension signed into law through the end of this year! Now we need to wait (and advocate for) a long-term extension.

**September 5 Update:** There are several bills before congress that would allow for long term extensions of the MFP Medicaid Demonstration Act which provides federal money for people transitioning out of nursing homes and provides for spousal asset protection. Instead, Congress has passed short term extensions.

- **The Empower Care Act (Money Follows the Person Reauthorization) was introduced (HR5306 S2227)** (<https://medicaid.publicrep.org/empower-care-act-one-pager/>) that would reauthorize, and appropriate money follows the person Medicaid demonstration project that shifts money from institution care to home and community-based care. This is important because more people with disabilities could live at their homes and be able to work. The president signed three months of appropriation. **May 2, 2019 Update:** We are still waiting for longer term legislation. **September 5 Update:** This bill is still sitting in Congress.
- U.S. Representatives Brett Guthrie (R-KY) and Debbie Dingell (D-MI) introduced a **companion bill** in the U.S. House of Representatives which is **identical to the Senate bill S. 2227, the EMPOWER Act**. This bill would renew the Money Follows the Person (MFP) program as well as improve it. **September 5 Update:** This bill is still sitting in Congress.
- The **National Council on Independent Living (NCIL)** has two policy proposals 1) **eliminate work disincentives for Childhood Disability Beneficiaries (CDB's)** and 2) **eliminate the termination age of 65 for MBIs (Medicaid buy ins)** as authorized in the **Ticket to Work Program of 1999**. Senator's Portman and Casey may

**sponsor the bill appending it to an appropriations bill or the Empower Care Act.** It is moving slowly.

- **The Transformation to Competitive Employment Act** (<https://edlabor.house.gov/imo/media/doc/2019-01-29%20Transformation%20to%20Competitive%20Employment%20Act%20Fact%20Sheet.pdf>) provides states, services providers, subminimum wage certificate holders, and other agencies with the resources they need to create competitive integrated employment service delivery models and the inclusive wraparound services that some individuals with disabilities will need. The clauses are also in the **Raise the Wage Act** (Senator Sanders) (<https://www.sanders.senate.gov/download/raise-the-wage-act-of-2019?id=48B66B6B-34E4-4149-BC0D-62CF888E4C4A&download=1&inline=file>).

**September 5 Update:** This is a continuation of several bills presented over several congresses. For Vermont, however, it is a moot point as Vermont already dispensed with sheltered workshops with Competitive Integrated Employment being the focus. It would allow for appropriations for the sheltered workshops to transition to integrated sustainable employment.

Senator Grassley promised that when Congress reconvenes to move NCLS remove employment disincentives and Sam interpreted that he would put it in an appropriations bill.

- **The Social Security 2100 Act (H.R. 860)**, Introduced in the House on 1/30/2019, this bill increases various Old Age, Survivors, and Disability Insurance (OASDI) benefits and related taxes.
  - The bill increases the primary insurance amount (e.g., the amount a Social Security beneficiary receives if the beneficiary begins receiving benefits at normal retirement age) by increasing the percentage of the beneficiary's average indexed monthly earnings used to calculate the amount.
  - The Bureau of Labor Statistics shall publish a Consumer Price Index for Elderly Consumers, which the Social Security Administration (SSA) shall use to calculate cost-of-living adjustments to benefits. Currently, the SSA uses a price index for wage earners to make such adjustments.

- The bill increases the minimum benefit amount for individuals who worked for more than 10 years by creating an alternative minimum benefit. A qualifying beneficiary shall receive that alternative minimum if it is higher than the standard calculated benefit amount.
- The bill increases the income threshold that a beneficiary must reach before Social Security benefits are taxable.
- Increased benefits from this bill shall not count as income when determining an individual's eligibility or benefit amounts for (1) Medicaid, (2) the Children's Health Insurance Program, or (3) the Supplemental Security Income program.
- Income above \$400,000 shall be included when calculating Social Security benefits and taxes. The bill also increases rates for the payroll and self-employment taxes that fund OASDI.
- The bill establishes the Social Security Trust Fund, which replaces the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

**September 5 Update:** House Majority Leader Pelosi indicated that this would come to a House vote prior to the end of the year. This would extend the base of social security benefits for everyone. PWD tend to work less months than people without disabilities. The bill raises the social security benefit based upon the number of months worked. The National Council on Independent Living (NCIL) expressed the concern that it might increase the disparity but were reassured that this would not happen.

**STATE Related:**

- **New-The \$15.00/hour minimum wage bill** is moving forward. The House General, Housing and Military Affairs Committee approved legislation Friday to increase Vermont's minimum wage to \$15 by 2024. The bill has already passed the Senate. The House committee didn't make many changes to the bill, but this week's deliberations were occasionally tense as lawmakers argued for protections to prevent the bill from hurting the business community. The bill, S.23, would raise the minimum wage to \$11.50 in 2020, \$12.25 in 2021, \$13.10 in 2022 and \$14.05 in 2023. The measure seemed to hit a speed bump Tuesday after an analysis found a bill amendment would have forced the state to increase Medicaid spending by as much as \$27.9 million over the next five years.



- **Attendant Services Program (ASP). Background:** Advocates are working through appropriations to unfreeze the **Attendant Services Program (ASP)**. The Attendant Services Program has been frozen for more than four years. The advocates successfully advocated to have it return but with a smaller budget. The budget surplus was the rationale for the legislative push. Currently, and unique to Vermont, there is no resource/income limit for program; but there may be need to compromise to pass the bill. The program allows more people with disabilities (PWD) to gain and maintain employment. This program is for middle class individuals who would have to impoverish themselves in order to get services. Commissioner Monica Hutt agrees with the inequity but is concerned that when the legislature hears that people have funds in the bank, we may need to compromise on the resource/income limit. Bill Botzow suggested that the advocates work on the financial threshold not with the legislators in the best interest of individuals with disabilities. This will be VCIL's main legislative platform.

**May 5 Update:** At the last meeting, Sam reported that we were hoping to unfreeze the program to new applicants. Unfortunately, there is currently a gap in the State's budget. The bill is in Senate Appropriations and it is not considered a priority. Many individuals testified. It doesn't look good for the program to be unfrozen this session. Currently, no one can even apply so there is no wait list. The main advantage of the program is that those that are not eligible for Medicaid can receive their personal attendant care services but can also direct their care without impoverishing themselves.

**September 5 Update:** Unfreezing the ASP Program (General Funded PDAP) didn't get anywhere last legislative session. It has been suggested that we should at least implement a waiting list as this wouldn't cost anything. In addition, you can gauge the interest in the program. If we can't get it passed any other way, perhaps having a high-income limitation.

- **Vermont Statewide Independent Living Council (SILC)** is looking for input from the public and everyone on its objectives as they write their next State Plan for Independent Living (SPIL). They will

collate all the comments that come in and revise the SPIL. Tom Hamilton has an accessible version who is the Executive Director of the SILC. Please reach out to him for a copy, email [vtsilcdir@gmail.com](mailto:vtsilcdir@gmail.com).

**Conclusions:**

There is much legislation moving forward and it is important for members of this committee to keep abreast of these. Please see above.

**Action Items, Person Responsible, Deadline:**

See above.

**6) Calendar of Upcoming Events (Group)**

**Discussion:**

- **9/18/19 State Independent Living Council (SILC) at 9:30 am at VCIL located on State Street in Montpelier** will provide two presentations:
  - 1) Debra Lisi-Baker mini training on Include! (K-12 curriculum). The Vermont Statewide Independent Living Council (SILC) is pleased and proud to introduce its Include! curriculum, designed for grades K-12. Originally titled “PRIDE: Promoting Respect and Inclusion through Disability Studies Education,” Include! is a comprehensive rewrite designed to meet the needs of present-day culture and society;
  - 2) Lt Gov Zuckerman will be there to network and will hold a discussion about better ways to collaborate for efficiency at a legislative level and how to eliminate silos.
  
- **10/15/19 2019 VT Youth Core Transition Event. Killington Grand Hotel from 9 – 3:15 registration at 8:30 Transition to Adulthood Martha**

The focus for the day is fostering and enhancing collaborative partnerships for all those working with youth in VT to ensure a smooth, successful transition to adulthood, post-secondary planning, and adult services. This year, the theme is “Empowering Youth and Families in Transitions to Adulthood”. We look forward to discussing how to best collaborate to ensure a smooth transition, as well as meeting both as local Core Transition Teams and Peer Networking Groups. **\*\*Deadline for registration: October 1, 2019.**  
**To register:** <https://www.surveymonkey.com/r/NGG563Q>. Sam

asked Martha if the SRC could have a table at the event and Martha said she will reach out to Tara Howe and report back to Sam. Martha also suggested that Sam get in touch with Nichole Jolly at [Nichole.Jolly@vermont.gov](mailto:Nichole.Jolly@vermont.gov). Martha said the Youth Council has opened up its membership. Vermont Family Network Core Teams will be housed on VFN's network. A family guide to transition services is now available.

- **October 2019 - Spirit of ADA Award Ceremonies** will be held in various locations throughout the month. Awards are presented at the place of business of those that received the award.
- **December 2, 2019 Governor's Summit on the Employment of People with Disabilities** (aka Disabilities Transportation Summit). It will be held at the DoubleTree Inn (formerly the Sheraton in So. Burlington). The Governor has approved the summit. The morning will be on transportation barriers as related to employment. Providers will be there. The State Independent Living Council (SILC) wants to make sure that not only providers are there but people with disabilities that are experiencing transportation barriers can attend too. SILC wants to make sure that transportation is provided if needed and will provide some funding. The Vermont Department of Transportation will contribute what they can. There will be a luncheon open to the public. The keynote speaker will be in the afternoon. We are hoping to get former State Senator Ted Kennedy Jr. to be the speaker. We are looking for business sponsors to offset some of the costs.

**September 5 Update:** State Senator Ted Kennedy Jr. declined to be the keynote. Martha will forward the name of several people to Sam that she thinks might be good.

- **April 2, 2020 Save the Date for VFN's 2020 Annual Conference in South Burlington! More details to follow!**
- **April 2, 2020 Save the Date for the Card Room Event, State House! More details to follow!**
- **May 2020 SILC Olmstead Summit.** The State Independent Living Council (SILC) hasn't had this event for three years. We were asked by the Vermont Affordable Housing Coalition and Housing Conservation Board to present before the Olmstead Meeting.

**September 5 Update:** This is the 20<sup>th</sup> anniversary of the SCOTUS Olmstead decision that forced the integration mandate in 1990. The Vermont Olmstead Plan is gathering dust with legislators never hearing of it. We are looking to find out what has been done to date to fulfill the Olmstead requirements and what needs to be done going forward.

**Conclusions:**

See above for events to attend or participate in planning!

**Action Items, Person Responsible, Deadline:**

See above.

**7) Other Business (Group)**

**Discussion:**

None

**Conclusions:**

None

**Action Items, Person Responsible, Deadline:**

None.

**8) Adjournment (Sam Liss)**

**Discussion:**

Sam asked if there was a motion to adjourn. Martha moved to adjourn, and it was seconded. No further discussion. All approved. Vote unanimous 8-0-0.

**Conclusions:**

Motion to adjourn approved at 1:46 p.m.

**Action Items, Person Responsible, Deadline:**

- Draft minutes uploaded to SRC website, **Debra Kobus**, 9/10/19.
- Draft minutes emailed to Committee members, **Debra Kobus**, 9/10/19.
- Minutes approved, **Committee**, 11/7/19.
- Approved minutes uploaded to website, **SRC Coordinator**, 11/12/19.