New Mexico Commission for the Blind

State Rehabilitation Council

Minutes (Final)

Regular Meeting

Commission for the Blind

2905 Rodeo Park Dr. E. Bldg. 4 Suite 100

Santa Fe, NM 87505

February 6, 2024 - 10:00 AM

1. Call to Order

Chairperson Hayes called the meeting to order at 10:02 AM.

2. Roll Call

Mr. Blair took roll. Physically present were James Babb and Peggy Hayes. Jeff Blair, Bernadine Chavez, Katharine Chavez, Deborah Dominguez-Clark, Mario Hooee, and Paul Luttrell attended by Zoom.

Greg Trapp and Daphne Mitchell are waiting to be reappointed. Veronica Alonzo, who is also waiting to be reappointed, joined later by Zoom.

3. Introduction of Guests and Staff

Staff present were Kelly Burma, Skills Center Coordinator and SRC Liaison; Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Audrey Trujillo, Information Technology Manager; Patricia Savage, Executive Secretary; and Kevin Romero, Deputy Director for Finance and Administration. Jamie Sibson, Orientation Center Director, attended by Zoom. Guests included Lorie Pacheco representing Special Education Director Dr. Margaret Cage; Natasha Blickenstaff, Frank Maestas, and Janice Maestas. Guests attending by Zoom were Coby Livingstone.

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

There were no changes to the agenda.

5. Approval of Minutes for the Meeting of November 16, 2023

Mr. Babb moved to approve the minutes as revised, reformatting and deleting the extra Orientation Center heading. Mr. Luttrell seconded the motion. A vote was taken, and the minutes were unanimously approved.

6. Client Assistance Program Report, Bernadine Chavez

Ms. Chavez said there were no calls from Commission consumers this quarter. Mr. Trapp thanked Ms. Chavez, saying he appreciated the partnership with the Client Assistance Program. He said the Commission always tells consumers about CAP services, adding he believes that calls to CAP are a healthy sign. He said he would be concerned if CAP was not getting calls as that might indicate that consumers were not being told about CAP.

7. Native American Vocational Rehabilitation Program Report, Paula Seanez

There was no Section 121 report.

8. Workforce Board Report, Veronica Alonzo

Ms. Alonzo reported later in the meeting.

9. Chairperson’s Report, Peggy Hayes

Chairperson Hayes said the SILC had a forum over Zoom last week to work on the State Plan for Independent Living. She said she thought the meeting went well. She said the biggest issue was transportation, saying there are transportation issues throughout New Mexico. She said affordable housing was also an issue. She said there are five counties that do not have IL service, and that DVR was asked for additional funding to expand IL services.

Mr. Salas said there will be another forum on March 4. He said Kathy Cooper did a really nice job facilitating the last forum. He said the forum notice is on the SILC and DVR web pages.

10. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp said that Disability Awareness Day is taking place at the Roundhouse. He said the Lieutenant Governor will be making a presentation in the rotunda.

Mr. Trapp said the Senate has confirmed Dante Allen as Commissioner of the Rehabilitation Services Administration. He said Commissioner Allen comes from CalABLE, which is the agency that administers the ABLE account program in California.

Mr. Trapp said the Commission is looking at the definition of legal blindness as it relates to eligibility for the Randolph-Sheppard Act program. He said the Randolph-Sheppard Act requires vendors to be legally blind. He said that traditionally has been 20/200 or worse in the better eye after correction or a field of vision that is 20 degrees or less. He said the 20/200 measurement was based on a chart invented by Dutch ophthalmologist Herman Snellen around 1860. He said it does not have measurements between 20/100 and 20/200. He said if a person with 20/200 vision goes to an ophthalmologist or optometrist who is using a newer chart, they might be measured with 20/160 vision. He said Social Security adopted Snellen methodology in 2007, saying that a person with 20/160 would be determined to be legally blind if they had been measured using a Snellen chart. Mr. Trapp said the Rehabilitation Services Administration adopted the use of Snellen methodology for the Randolph-Sheppard Act program in 2008. He said there is still an issue with visual efficiency, which considers a combination of visual field loss and acuity loss. He said RSA accepts loss of visual field and visual acuity, but not a combination of both. He said Snellen methodology has the potential to impact on a variety of services and benefits and that the Commission is working to raise awareness of the use of Snellen methodology.

Mr. Trapp said the Commission has created a partnership with the New Mexico History Museum. He said he has interacted with the History Museum over the last several years in his personal capacity as the historian for the Navy League of the United States, New Mexico Council. He said that has helped him to build a good rapport with the History Museum and its director, Billy Garrett. He said the Commission recently participated in an interpretive framework workgroup that considered how the History Museum, which includes the Palace of the Governors, interprets its displays and communicates state history. Mr. Trapp thanked Ms. Burma for her assistance with the workgroup, and said they have also participated in a series of meetings about how the museum could better meet the needs of persons who are blind or visually impaired and how that might make the museum a richer experience for everyone.

Mr. Trapp said the state of New Mexico is working on a Corrective Action Plan for Pre-Employment Transition Services. He said the state as a whole in the year 2020 had not met the requirement to reserve and spend at least 15 percent of the vocational rehabilitation grant on the provision of Pre-ETS Services. He said the first Corrective Action Plan quarterly report was submitted last week. He said the Commission is close to having spent the Pre-ETS reserve for the Federal Fiscal Year 2023 grant. He said the Commission is projecting to spend the entire Pre-ETS reserve by June. He said the Commission is about $120,000 short of meeting the $850,000 Pre-ETS reserve. He said the Commission is working with the Division of Vocational Rehabilitation to ensure compliance with the Pre-ETS reserve since it is a statewide requirement.

Mr. Trapp said the Commission had a clean audit with no findings, which is the second year in a row for the audit to not have any findings. He said Mr. Romero will give more information about the audit during his report.

Mr. Trapp thanked Mr. Salas for presenting at the House Appropriations and Finance Committee hearing on January 9. Mr. Trapp said he was with his wife at MD Anderson in Houston. He said Mr. Salas did an excellent job of presenting the Commission’s budget and describing agency services.

Mr. Salas said he described the independent living program, the vocational rehabilitation program. He said he also talked about the agency having two successive clean audits. Mr. Salas said he mentioned that the Commission has ordered desktop video magnifiers that will be provided to independent living and older blind consumers in addition to the SmartLux handheld video magnifiers that the Commission has been providing for many years. He said he demonstrated a SmartLux video magnifier. Mr. Salas said Ms. Katherine Chavez was present.

Mr. Blair asked Mr. Trapp for an update on his wife Tonia, and Mr. Trapp said Tonia was diagnosed with an aggressive form of cancer in August. He said she was able to see a sarcoma specialist at MD Anderson. He said she is responding well to chemotherapy. Mr. Trapp thanked Mr. Blair for asking.

b. Administration and Finance, Kevin Romero

Mr. Romero said the SFY23 audit had no findings. He said this was the second year in a row that the Commission had a clean audit with no findings. He said the audit was presented by the Office of the State Auditor at the January 23 Commission meeting. He said the audit was publicly released on November 27, 2023.

Mr. Romero said Congress has not passed the appropriation bill for this current Federal Fiscal Year, and that Congress continues to work under a continuing resolution. He said the Commission will monitor the budget progress and has plans in place should there be a government shutdown.

Mr. Romero reported on Federal Fiscal Year 23, saying the Commission has expended $4,352,177 in regular VR funds, and $727,767 in Pre-ETS funds. He said the Commission’s reserve for FFY2023 Pre-ETS is $837,344. He said the Commission has spent approximately 82 percent of the reserve for FFY23. He said the Commission will spend the entire FFY23 Pre-ETS reserve. He said the $727,767 spent on Pre-ETS is 13.03 percent of the 15 percent, so the Commission is very close to meeting the reserve. He said the remaining unspent balance of the FFY23 VR grant is $502,352 or 7.08 percent of the award, meaning the Commission is on track to expend the entire award. Mr. Romero said the Pre-ETS reserve and spend is a statewide requirement, adding that the Commission continues to have discussions with DVR. He said the Commission and DVR will have monthly fiscal staff meetings to keep each other updated about statewide spending.

Mr. Romero reported on the FFY23 VR grant, saying the Commission has put up 74 percent of the estimated state match. He said 74 percent is based on the estimated $1.5 million needed for the Commission to match the entire $5.5 million award.

Mr. Romero reported on the state budget, saying the Commission has expended $10,018,508, and has encumbrances of $909,714. He said the Commission has utilized 63.7 percent of the appropriated budget of $17,146,400. He said the Commission is on track to utilize 89 percent of the appropriated budget by June 30.

Mr. Romero reported on Human Resources, saying that the Commission has 16 positions vacant, eight of which are exempt/other and eight of which are classified. He said this translates to a 17.4 percent vacancy rate. He said the classified vacancy rate is 12.2 percent and the exempt/other vacancy rate is 30.2 percent. He said there are four classified positions posted on the state personnel website, and that the agency is recruiting for an exempt driver in Farmington. He said if the five vacant positions are filled, the Commission will then have a 12 percent vacancy rate.

Mr. Romero discussed the HAFC hearing, saying the Executive and Legislative recommendations were identical to the Commission’s request. He said this indicates that they have confidence in the Commission’s abilities to appropriately request and use the budget. He said House Bill 2 passed with the Commission’s budget language intact. He said it is now in the Senate Finance Committee. He said the Commission will monitor House Bill 2 to see if there are any changes that impact the Commission. He said the legislative session ends on February 15 at noon.

Mr. Romero talked about a new travel rule that affects the SRC. He said the Commission will implement the rule as of February 1, and that all travel from February 1 onward will be subject to the rule. Mr. Romero said one of the changes is that 100 percent of the IRS mileage rate will be used for mileage compensation instead of 80 percent. He said travel from January 1 to January 31, 2024, will be at the 80 percent rate, or 52 cents per mile. He said any travel from February 1 to December 31, 2024, will be reimbursed at the current rate of 66 cents per mile. He said the other changes mostly affect staff travel and out-of-state travel.

Mr. Trapp said he is in communication with the State Controller about council member compensation. He said the Federal Rehabilitation Act authorizes SRC members to be compensated for personal care services and child care. He said those are not addressed in the per diem and mileage act.

Mr. Trapp congratulated Mr. Romero on the clean audit. He said the Office of the State Auditor has audited the Commission for six years and that they are especially thorough. He said the Commission is a standalone agency and gets a very thorough audit. He said an audit with no findings is a credit to Mr. Romero and his team.

Ms. Hayes and the SRC congratulated Mr. Romero and his team on the clean audit.

Mr. Trapp said that the Office of the State Auditor will be looking at what are called MAPS violations, which are contained in the Department of Finance and Administration Model of Accounting Practices. He said the Commission may be getting audit findings going forward since there will essentially be a zero tolerance for MAPS violations, though valid explanations may be taken into consideration.

Mr. Romero said the State Controller contacted the Office of the State Auditor about MAPS. Mr. Romero said some agencies believed MAPS or the Manual of Accounting Practices is more of a suggestion than a rule. He said per statute, the manual carries the weight of law or rule. He said the Office of the State Auditor released a memo saying that OSA will begin looking more thoroughly at MAPS violations. Mr. Romero gave the example of the SRC meeting, saying the SRC members will now have only 14 days to get their reimbursement documents to DFA. If that 14-day deadline is missed, he as the CFO has to write a memo to DFA explaining why the 14 day deadline was not met. He said missing the deadline is a MAPS violation, even though it could be due to legitimate reasons such as staffing issues or timing. He said he will follow the remedy contained within MAPS, which is to write the memo and attach it to the voucher. He said the Office of the State Auditor and DFA will determine whether that meets the requirement of addressing the violation or simply having the violation result in an audit finding. Mr. Romero said there are also more substantial issues in MAPS, such as disregarding capital assets.

Ms. Mitchell requested that Mr. Romero speak about receipts, and Mr. Romero said DFA now needs a printed receipt to claim tips for travel. He said if the tip is not on the printed receipt, the person cannot claim reimbursement. He said there needs to be a receipt for every meal or whenever tips are claimed.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas reported on vacancies and new hires, saying the Vocational Rehabilitation program is recruiting a Business Outreach Coordinator. He said Nathalie Martin is the new Blindness Skills Instructor in the Farmington office. He said there is a vacant Blindness Skills Instructor position in Las Cruces, and the announcement closed on Saturday. He said Irene Brown was just hired as an administrative assistant in Albuquerque, and that she started in early January.

Mr. Salas said the Commission has started to promote the Students in Transition to Employment Program for the summer. He said Ms. Denise Otero is the Transition Coordinator, and that she has been scheduling meetings to begin the process. He said as of Thursday, the Commission had 24 applications for STEP.

Mr. Salas reported on employment for State Fiscal Year 2024, saying 14 persons were placed in competitive integrated settings, and one person was placed in self-employment for a total of 15. He said the average wage was $22.64 per hour. Reporting on Federal Fiscal Year 2024, he said five persons were placed in competitive integrated settings, with an average wage of $16.37 per hour. He said 24 consumers are in employment status, with an additional 20 consumers in Service E, for a total of 44.

Mr. Babb congratulated the Commission on such great numbers.

d. Orientation Center, Jamie Sibson

Ms. Sibson said the Orientation Center is currently serving three students and one student will start on Monday. She said two students graduated in December. She said one student just finished a tour and another will do a tour at the end of February. She said the Orientation Center is planning for the STEP 2024 program, and there will be five students attending STEP at the Orientation Center. She said she is looking forward to working with Ms. Burma and the Skill Center to conduct the Business of Blindness seminar and the Advanced Braille classes.

Ms. Sibson said the Orientation Center staff recently participated in blindness skills training, and that she believes it will be beneficial for instructors to be able to cover classes when other instructors are out. She said this cross-training provides opportunities for instructors to work collaboratively together.

Ms. Sibson said an inspection of the apartment complex took place on January 19. She said there were only some minor items that needed to be addressed. She said three students recently stayed in the apartments, with two of those students graduating. She said all three reported that they all benefited from staying at the apartments. She said one of the current students will move over to the apartments the next few weeks.

e. Skills Center, Kelly Burma

Ms. Burma said the Skills Center is providing Pre-ETS services to one student, and is serving three adult students. She said the Skills Center also provides support to teachers of the visually impaired, and that she had a Chromebook instruction session last week with a teacher. Ms. Burma mentioned Mr. Trapp's comments about the partnership with the New Mexico history museum, saying she is also working on a partnership with the Explora Children's Science Center and Museum. She said the Commission has partnered with them for many years, including with STEP placements.

Ms. Burma asked Mr. Trapp to discuss an activity that recently took place in the Skills Center. Mr. Trapp said a premise pilot was filmed at the Skills Center. He said it was a proposed series about a Blindness Training Center. He said the Commission carefully costed out the use of the Skills Center for the filming. He said the Commission also consulted on the script. He said the process of the filming was very interesting, and that he really appreciated Ms. Burma and her team for allowing the Skills Center to be taken over during the filming. He said if the series is picked up by a network, it will inform the public about blindness and the abilities of persons who are blind.

Ms. Burma said the Commission continues to host Creating Options. She said Creating Options will be covering assistive technology issues in the coming months.

11. Unfinished Business

a. Update on Council FFY23 Annual Report, Greg Trapp

Mr. Trapp said the FFY23 Annual Report was approved at the November meeting of the SRC. He said the annual report is submitted to the US Secretary of Education and to the Governor. He said the report is due 90 days after the close of the federal fiscal year. He said it was submitted on time and that Chairperson Hays was copied. He said the Commission is now in the process of putting together the printed versions of the annual report. He said he asked Ms. Sarah Villavicencio to work on the printed version of the annual report. He said the agency will go through Horizon’s to print the report.

Ms. Alonzo joined the meeting at 11:38 AM, and Mr. Trapp asked Ms. Alonzo to give a brief Workforce Board Report, and Ms. Alonzo said she was excited to report that the State Plan was approved last week by the State Workforce Development Board. Ms. Alonzo said Jessica Dinsmore is the new Interim “Big Submitter” for the State Plan. She said another major accomplishment that happened at the board meeting was the approval of new policies. She said a recommendation that came out of the Department of Labor monitoring was to have the workforce board review and approve new WIOA policies. She said Mr. Trapp serves on the Policy Review Committee.

Mr. Salas and Ms. Alonzo discussed the process of uploading the State Plan into the portal. Mr. Salas said the staff editor for the Commission is Ms. Villavicencio, and the approver is Executive Director Trapp.

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

Mr. Salas said the Commission submitted its draft state plan to Workforce Solutions at the end of September. He said the deadline was October 1. He said the entire State Plan is due to RSA on March 4. He said there is a new requirement this year called the General Education Provisions Act. He said it requires the VR agency to identify any barriers that might impede access and participation in the program.

performance measures. Mr. Salas described the performance measures, and the upcoming negotiations with RSA. He provided details about second and fourth quarter retention rates after exit, median earnings second quarter after exit, credential attainment, and measurable skills gain. He said the employment rate numbers are still relatively low. He said the agency is working on the quarterly survey process to make sure consumers are contacted and the proper employment data is obtained.

c. Member Update and Designation of State Rehabilitation Council Membership Categories, Greg Trapp

Mr. Trapp said there are currently eight SRC members, which he said is fewer than it should be. He said the council should have at least 15 members. He said the council is also supposed to have a majority of voting members who are blind. He said the Commission is working with the Governor’s office to get new members appointed but that the process is going to take longer due to the legislative session. Mr. Trapp said it is important to have SRC members who are representative of the diversity of New Mexico, including geographically.

Ms. Burma said she would work with any members or prospective members who needed help applying.

12. New Business

a. Approval of Revision to MOP Chapter 18, Authorized Rates for Various Services, Jim Salas

Mr. Salas said he emailed the proposed changes to the MOP to the SRC yesterday and asked if there were any questions.

Ms. Bernadine Chavez said she thought the changes made sense and were well done, and Mr. Salas said the changes would help avoid the need to revise the MOP every time a rate needed changing. Ms. Chavez said she thought the changes were all clear.

Ms. Bernadine Chavez moved to approve the recommended changes to MOP Chapter 18 that Authorized Rates for Services. Mr. Babb seconded the motion. A vote was taken, and the changes to MOP Chapter 18 were unanimously approved.

Mr. Salas said now that the MOP has been updated, it will be translated into Spanish.

b. Discussion and Review of Agency Strategic Plan, Greg Trapp

Mr. Trapp said he wanted the council to have an opportunity to provide input on the Agency’s Strategic Plan, saying it is submitted as a part of the request budget. He said the Commission is in the process of revising the Strategic Plan. He said the Strategic Plan helps the agency to focus on areas that are evolving or changing, and helps the agency to identify items that will need additional resources. He said the pandemic has changed things with respect to the workforce and the technology that is used. He said this SRC meeting and the technology that is being used is a good example of that change. He said it is a changed world. He said the threat assessment and disaster recovery are also a part of the strategic plan. He said there have been some significant threats and attacks on computer networks, and that ransomware attacks have scaled up in terms of sophistication. He said the state has implemented new security protocols, but that the agency needs to update the risk management and disaster recovery part of the Strategic Plan.

Mr. Trapp said the strategic plan was in the meeting materials that were sent out over the weekend. He said the Commission wants to identify evolving areas such as the nature of disability. He said COVID is going to have an impact on disability, saying it will cause additional cases of blindness, increase premature births, and increase diabetes. He said the Commission plans to have at least one public meeting where comment will be solicited on the strategic plan.

Mr. Romero said the strategic plan will be submitted with the request budget that is due on September 1.

Ms. Burma said input from the representative of the Public Education Department will be very important since the pandemic also caused changes to education, and Mr. Trapp said the state educational agency representative is incredibly important. He said that the educational system will be seeing the impact of the pandemic for another decade, and that the Commission will see the impact of the pandemic for generations to come. He said students who did not receive the same level of Braille instruction when they were in the first, second, or third grades may be limited in their Braille proficiency. He said the Commission will need to provide these students with additional services as a result of the pandemic.

c. Discussion of Update to Business Enterprise Program Manual, Greg Trapp and Jim Salas

Mr. Trapp said the Business Enterprise Program Manual is part of the state administrative code. He said the Business Enterprise Program includes vending routes and cafeteria facilities operated by blind vendors pursuant to the Randolph-Sheppard Act. He said the Randolph-Sheppard Act was enacted in 1936, and that it was the first employment program for persons who were blind. He said the civilian vocational rehabilitation program began in 1921, and that at the time blind persons were deemed too disabled to be able to work. He said this is one of the reasons why there are now separate agencies for the blind. He said the Commission has contracted with Mr. Terry Smith to update the Manuals, saying that Mr. Smith is an expert who has helped other states update their BEP manuals. Mr. Trapp said the Commission has had four meetings with Mr. Smith. He said Mike Lovato and Robert Vick, the BEP Committee Chair and Vice Chair, are participating. He said they are looking at adopting model rules that have already been approved by the Rehabilitation Services Administration. He said Mr. Smith is also interested in the State Use Act and how that might be folded into the Randolph-Sheppard program.

Mr. Salas said the meetings have gone well with Mr. Smith facilitating. He said using the model rules gives the Commission a fresh starting point.

Mr. Babb asked if the new visual standard was being integrated into the manual, and Mr. Trapp said it was actually discussed at the last meeting and that the Snellen methodology language will be put into the manual.

13. Council Open Discussion

There was no Open Discussion from the Council

14. Comments from the Audience

Ms. Livingstone asked about the State Use Act, and Mr. Trapp said most states have a State Use Act and it is a complement to the Federal AbilityOne Program. Mr. Trapp described the history of segregated, non-integrated, and noncompetitive employment performed at community rehabilitation programs. He said states can have similar laws where the work is also performed by community rehabilitation programs. He said the New Mexico State Use Act was introduced in 2004. He said he initially opposed the law because he did not want to expand segregated, non-integrated, non-competitive, and sub-minimum wage employment. He said he told Mike Kivitz from Adelante that he would support the bill if it was changed to allow for individuals with disabilities to work as private entrepreneurs and to also receive state contracts. He said he likes to refer to it as the Randolph-Sheppard Act on steroids. He said the State Use Act is able to provide a lucrative income for individuals with disabilities. Mr. Trapp said the New Mexico Council for purchasing from persons with disabilities will be meeting tomorrow at 1:30. He said he is the council secretary.

Ms. Lorie Pacheco thanked Mr. Trapp and the council for the opportunity of attending the meeting today. She said in reviewing the strategic plan, she sees many opportunities for partnership. She said the Public Education Department is updating the Braille standards around primary and secondary education, specifically around English language learning.

Chairperson Hayes asked Ms. Pacheco about Braille standards, and Ms. Pacheco answered that she is becoming more familiar with them. Mr. Trapp said that the advocates who are working on the proposed Braille standards have been working closely with Ms. Pacheco and PED. Mr. Trapp said Braille was an essential literacy and employment tool that cannot be replaced. He said that Ms. Burma's Technology for Children Program works to enhance Braille literacy.

Ms. Coby Livingstone said she wanted to highlight the efforts of the deaf-blind community in Albuquerque and statewide, saying that communication options have improved and that she thinks there will be some exciting things coming from the deaf-blind community.

15. Date and Location of Next Meeting

The next meeting was set for May 16, 2024 in Albuquerque, starting at 9:30 AM.

16. Adjourn

Ms. Hayes adjourned the meeting at 12:56 PM.

Approved and Electronically Signed this 16th Day of May 2024.

Peggy Hayes, Chairperson

State Rehabilitation Council

New Mexico Commission for the Blind