BOARD MEMBERS PRESENT: Tana Zwart, Nicholas Kummer, Kellie Schelhaas, Kati Seymour, Sarah Jorgensen, Lacy Hutchens present virtually. 
STAFF PRESENT: Sharla Svennes and Lyndsey Meier

CALL TO ORDER

A quorum being present, the meeting was called to order at 4:01 p.m.

PUBLIC INPUT

None.

NEW BUSINESS

A. **Guest Speaker: Delores Lipp, Disability Rights South Dakota.** Formerly known as South Dakota Advocacy Services, Disability Rights South Dakota (DRSD) is a non-profit legal services agency dedicated to protecting and advocating for the rights and inclusion of South Dakotans with disabilities. DRSD was established in 1977 as the federally mandated Protection & Advocacy (P&A) system for South Dakota. They provide legal advocacy, protection, and public awareness. Lipp provided some history into the P&A system; in 1972, Geraldo Rivera broadcasted an investigative report of the Willowbrook state institution in Staten Island, New York. Rivera’s reporting exposed abuse, neglect, and a lack of services and supports for those at the institution. The broadcast shed light on some horrifying conditions and triggered the implementation of P&A programming.

DRSD offers numerous programs and services for a variety of disabilities. To be eligible for services, an individual has to have a disability and a disability-rights issue, such as abuse, neglect, or rights violations. For most programs, this means the issue/problem must arise from the individuals’ disability.

Lipp shared DRSD 2021 goals which include abuse and neglect monitoring and investigations, community access, education, removing employment barriers, alternatives to guardianships, voting accessibility, and outreach. DRSD also handles mental health cases and goes to HSC on a weekly basis. They monitor facilities and have the authority to access every part of the facility a client/patient utilizes. This includes investigating allegations of abuse and neglect. Covid-19 has brought an influx of new cases, especially those with specific concerns of isolation and family not seeing family members due to pandemic restrictions. DRSD is an incredibly valuable...
resource in our community and if anyone has questions or concerns, feel free to reach out to their intake staff.

B. **Transition Plan.** Svennes shared the ADA Transition Plan which was previously presented to City Council. Discussed reviewing plan and providing input regarding areas in need of improvement. Zwart asked about ride share and lack of accessibility through that service. Ride sharing doesn’t have time restrictions whereas paratransit services have limitations. Hutchens echoed concern with paratransit services not offering rides past 7pm which limits functions and availability.

C. **Review and Adoption of New Logo.** Presented options for new board logo and received feedback from board members. Zwart suggested avoiding yellow as it is difficult to read for visually impaired. Discussed modifications and using more vibrant colors. Zwart suggested changing direction and lining up vertically to designate board acronym. Will go back to the drawing board and present updated options next month.


E. **Discussion Regarding Unfinished Initiatives of Disability Awareness Commission and ADA Accessibility Review Board.** Discussed three past initiatives: parking outreach, marketing, and Artibility. Discussed proposal to continue parking outreach and get signs made. Jorgensen inquired about allotted budget for Artibility. Discussions on these initiatives will continue.

**APPROVAL OF MINUTES**

A motion was made by Seymour and seconded by Kummer to approve the minutes from March 2021 meeting. Motion passed by a vote of 6-0.

**ITEMS ADDED AFTER AGENDA DEADLINE**

None.

**READING OF COMMUNICATIONS TO THE BOARD**

Seymour shared the Arc of Dreams will be lit on 7/16/21 in honor of the first ADA. Zwart shared the ADA Celebration Committee is in the process of creating an event page on Facebook.

**ADJOURNMENT**

Motion made and seconded to adjourn meeting. Motion passed unanimously. Meeting adjourned at 5:07 p.m.

**NEXT MEETING**

June 23, 2021

Respectfully submitted,

Lyndsey Meier
Human Relations Specialist
Disability Rights
South Dakota
Protection and Advocacy System for South Dakota

“Disability Rights South Dakota is the non-profit legal services agency dedicated to protecting and advocating for rights and inclusion of South Dakotans with disabilities.”

Who We Are

- Disability Rights South Dakota (DRSD) is appointed by the governor as the federally mandated Protection & Advocacy (P&A) system for South Dakota. DRSD, formerly South Dakota Advocacy Services, was established in 1977.
- DRSD is a private, non-profit agency that is funded by 9 federal programs:
  - Protection and Advocacy for individuals with Developmental Disabilities (PADD)
  - Client Assistance Program (CAP)
  - Protection and Advocacy for Individuals with Mental Illness (PAIMI)
  - Protection and Advocacy for Individual Rights (PAIR)
  - Protection and Advocacy for Assistive Technology (PAAT)
  - Protection and Advocacy for Beneficiaries of Social Security (PA8SS)
  - Protection and Advocacy for individuals with Traumatic Brain Injury (PATBI)
  - Protection and Advocacy for Voting Accessibility (PAVA)
  - Protection and Advocacy for Beneficiaries with Representative Payees (PABRP – New Program)
Why We’re Here

In 1972, Geraldo Rivera broadcasted an investigative report of the Willowbrook state institution in Staten Island, New York. Rivera’s reporting exposed abuse, neglect and a lack of services and supports for those at the institution.

The series of broadcasts triggered the P&A concept and called to action New York’s senior senator, Jacob Javitz, to incorporate the first P&A program (PADD) into the 1975 renewal of the Developmentally Disabled Assistance and Bill of Rights Act (The DD Act). The DD Act was originally signed into law on October 31, 1963, by President John F. Kennedy, just 22 days before he was assassinated.

Who We Serve

DRSD eligibility criteria:

• Individual with a disability must have a disability-rights issue, such as abuse, neglect, or rights violations. For most programs, this means the issue/problem MUST arise from the individual’s disability.

• The individual must meet eligibility under the qualifying federal program.

• The need must fall within the fiscal year’s priorities/area of focus.

• Must be a South Dakota resident.
What We Do

Legal Advocacy
- Advice/Information & Referral
- Individual Case Work
- Representation

Protection
- Investigations
- Monitoring

Public Awareness
- Presentations/Public Information
- Partners in Policymaking
- Trainings
What We Do

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What We Do
Advice/Information & Referral

Disability Rights South Dakota provides legal advice to those who contact us with disability-related concerns, laws and rights.

This may include:
• Clarification on laws and regulations.
• Information on individual rights.
• Referral and information for other community resources.

Individual Case Work

Disability Rights South Dakota employs both attorneys and non-attorney advocates.

We believe in working from the lowest level of advocacy first before escalating to more intensive means of legal advocacy. Because of this, the bulk of our individual case work focuses on administrative remedies, where a majority of our cases are resolved.
Legal Representation

Disability Rights South Dakota will agree to represent individuals in administrative hearings and legal proceedings.

Due to limited funding, DRSD cannot represent all clients in hearings and proceedings. Here is our process for representation determination:

- Contact our centralized intake at 1-800-658-4782 or via the online submission form at www.drsdlaw.org.
- Case may be assigned to an advocate to seek remedies before escalating to litigation or other legal avenues.
- Case details and information are sent to DRSD legal team to discuss.
- DRSD legal team determines whether to represent or not.
- If not, information and/or referrals will be provided to client.

What We Do

Protection
- Investigations
- Monitoring
Investigations

DRSD has authority to initiate investigations of abuse and/or neglect when certain circumstances are presented.

- An incident is reported or a complaint is made to DRSD
- DRSD determines there is reasonable grounds to believe an incident has or may have occurred or:
- DRSD determines there is or may be imminent danger of serious abuse or neglect of an individual with a disability

Investigative Access Authority

DRSD's ability to conduct investigations comes from our federal laws and regulations which grants DRSD broad authority to access public and private facilities, including their records, as well as programs providing services to individuals with disabilities.

This allows DRSD representatives reasonable, unaccompanied access to facilities and the individuals residing in facilities at all times necessary to conduct a full investigation of abuse and/or neglect.

Authority also includes the opportunity to interview any service recipient/individual with a disability, employee or other persons, including the person thought to be the victim, who DRSD reasonably believes may have knowledge of the incident under investigation.
Monitoring

DRSD monitors public and private facilities and service providers that provide services and supports to individuals with disabilities.

Purpose
- Ensuring health and safety of the individual.
- Ensuring residents/clients are free from abuse, neglect and exploitation.
- Provide information on resident/client rights.
- Provide access to the P&A system.

Monitoring Access Authority

DRSD Federal Access Authority grants the following:

Unaccompanied access to facilities in all areas accessible to the residents/clients.

Access at all reasonable times, which at a minimum, includes normal working and visiting hours.

Access shall be allowed without advance notice.

Opportunity to meet and communicate privately with residents/clients, formally and informally, via in-person, phone and/or mail. *This includes minors and adults with guardians.*

If monitoring under PAI/M funding, then prior notice given to guardians.
Where Do We Monitor?

Examples where DRSD can monitor include:

| Community Support Providers | Psychiatric Residential Treatment Facilities | Nursing Homes | Institutional & Correctional Facilities | Community Mental Health Centers | Group Homes | Schools |

What We Do

Public Awareness
- Presentations/Public Information
- Partners in Policymaking
- Trainings
Public Education, Presentations, and Training

DRSD provides presentations on a variety of disability-related topics to professionals, individuals with disabilities and community partners.

DRSD provides also public education in the form of annual public listening sessions, publications and community events, including:

- Brochures (Rights information, general agency information)
- Books and Publications (What Parents Should Know About Special Education)
- Catch the Wave
- Lighting the Way
- Collaborations with other agencies (Transition Liaison Service Program, Parent Connection)
- Sponsored videos (How Reasonable Accommodations Work in Employment, What are Mental Health Condition Stigmas, What is Exclusion and Restraint in Special Education)

Partners in Policymaking

Partners in Policymaking is a training program that seeks to empower individuals with developmental disabilities, parents/guardians and other family members of individual with disabilities through leadership and self-advocacy. The Partners in Policymaking program aims to:

- Provide state-of-the-art information on disability issues and services to participants;
- Build competencies so participants may become advocates who effectively influence public officials and other policymakers;
- Develop understanding of policymaking and legislative processes at the local, state and federal levels;
- Foster productive partnerships between policymakers and people needing and using services.

Applications available on our website: www.drsdlaw.org

Funded in part by the South Dakota Council on Developmental Disabilities, University of South Dakota Center for Disabilities, and South Dakota Parent Connection
Trainings

DRSD provides a variety of trainings to professionals and individuals with disabilities. Some of our available trainings are:

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<tr>
<th>Training Topic</th>
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<tr>
<td>Becoming an effective self-advocate</td>
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<td>Rights of individuals under guardianship</td>
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<td>Alternatives to guardianship</td>
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<td>Disability Etiquette</td>
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<tr>
<td>Transition and Special Education</td>
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<tr>
<td>Exclusion, Seclusion, and Restraint</td>
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<td>Voting Rights</td>
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What We Don’t Do

Including, but not limited to,

- Family Law (Divorce, Custody, Adoption)
- Estate Planning (Wills and Trusts)
- Criminal Representation
- Social Security Eligibility
- Initiation of Guardianship or Conservatorship
- Malpractice
- Bankruptcy
Contact Us!

Disability Rights
South Dakota

New Client Intake
1-800-658-4782
or 605-224-8294

Pierre Office
2520 E. Franklin St.

Rapid City Office
1604 Mountain View Rd.
Ste. 1

Sioux Falls Office
2121 W. 63rd Place Ste. 30

Online at
www.drslaw.org