



Commission on People with Disabilities
November 13th, 2019

Welcome and Approval of October 2019 Meeting Summary Minutes:

Seth Morgan, Chair, convened the meeting. A motion was made to approve the October 2019 Meeting Summary Minutes. The motion was seconded. A vote was taken, and the October 2019 Meeting Summary Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Draft Transition Pilot Proposal – Claire Funkhouser, Developmental Disability Advisory Committee of the Commission on People with Disabilities

Draft Proposal: <https://montgomerycountymd.gov/HHS-Program/Resources/Files/A&D%20Docs/CPWD/TransitionPilotProposal.pdf>

Claire is a former Chair of this Commission and served in the mid-1990's.

For about 30 years, Montgomery County HHS Community Support Network of Aging and Disability Services had provided all Coordination of Care Services (CCS) to County residents and received a grant from the State to pay for the program. In Fiscal Year 2014, when Maryland Developmental Disabilities Administration (DDA) moved to a fee-for-service requirement and determined that private provider choice must be available, the County closed their CCS program and DDA transferred all of its clients to private providers. This decision raised serious concerns among parents and families. The Developmental Disability Advisory Committee (DDAC) that was formed in 2015 is a subcommittee of this Commission with the sole mission of getting Montgomery County Health & Human Services (HHS) to once again provide CCS to at least 500 clients. That goal was reached in Fiscal Year 2016 and HHS has a cap of serving 500 people imposed by the County's approved budget.

In December 2017, the County Council adopted Resolution No. 18-989, that requested the formation of a work group to report on meeting the needs of residents with developmental differences (developmental disabilities). While the work group requested was not convened because of competing demands, DDAC agreed to forgo its regular meetings and take on the task of reporting to the Council. All members of DDAC were invited to participate, and invitations were sent to the agencies and departments included in the Council resolution. This resulted in over 30 people participating in the process from June to November 2018. Report:

www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181126/20181126_HHS1.pdf

In 2009, two reports were released from HHS with findings and recommendations from an 18-member Workgroup concerned that residents with severe developmental disabilities were waiting five to fifteen years for services, many with families in crisis and many with aging or elderly caregivers, who may also have disabilities. Recommendations were never implemented. This new report provides new findings and specific recommendations on topics such as CCS, employment, health and wellness, housing, transportation and transitioning youth.

At the DDAC meeting on April 8, 2019, Bernie Simons, Deputy Director for DDA, suggested the possibility of a pilot project centered on issues regarding transition from school to adulthood for young adults with disabilities. At the meeting, Mr. Simons recounted some recent personal experiences which highlighted for him the importance and immediacy that the time of transition poses for students and their families. Claire formed a subcommittee within DDAC to address the concern of Transitioning Youth (TY) as they transition from school to work and living independently as possible in the community. TY begins with children age 14 within the school system. They are entitled to Special Education services until they turn 21. A child's transition services are contained within their Individualized Education Program (IEP). The transition period can be a very vulnerable time for children and their parents as there are many questions and decisions to be made. While their child was entitled to services within the school system under Federal law, when they become an adult services are based on eligibility. They must apply for social security and apply for services with DDA. They may not be eligible to receive the same type of services they had been receiving within the school system. There needs to be a lot of information and assistance available during this transition time.

Young adults who are eligible for DDA services are assigned a case manager, or CCS, through one of several agencies that serve Montgomery County. CCS has had issues with turnover, availability and accessibility of training, and large caseloads.

The floor was opened to questions.

Neal Carter, Commissioner, asked if DDAC is working on issues that relate to adults with disabilities. Claire said DDAC is working on issues like transportation, employment, housing and health that would address the wider population. TY is more specific to youth and their families that are going through transition. Betsy Luecking, Staff, added that for the past two months she has been working on County employment issues and our contracts. She has interviewed WorkSource Montgomery and Division of Rehabilitation Services (DORS). Betsy has briefed County Executive Marc Elrich on her findings and developed an internal paper with recommendations. She is working with Kim Mayo, Administrator, Community Support Network (CSN), to review the County's current contracts. In July 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law. WIOA replaces the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973. WIOA requires vocational rehabilitation agencies, DORS, to set aside 15% of their federal funds to provide pre-employment transition services (Pre-ETS) specifically to "Students with Disabilities." A "Student with a Disability" is defined as an individual who: is enrolled in a secondary school (including home school or other alternative secondary education program), post-secondary education program, or other recognized educational program and has not exited, graduated, or withdrawn; is at least 14 years old but less than age 22; and has a disability documented with an IEP, 504 plan, medical records, or a doctor's note. Adults (age 22 and older) applying for services at DORS tend to go on the waiting list. DORS has a waiting list of over 400 individuals in Category 2. Many can expect to be on the waiting list for at least three years. Individuals in Category 2 are considered to have a "significant disability". Category 3 is for individuals with "non-severe disabilities". DORS does not expect to provide services to eligible individuals in Category 3 in the foreseeable future. Category 3 individuals are not added to the wait list. Individuals in Category 1 are considered to have a "most significant disability" and are eligible for services immediately at the time of application. WorkSource Montgomery does not provide vocational rehabilitation services but does provide employment services for adults with disabilities. The County will be taking a close look at how County funds are used. We will be asking the Office of Management and Budget to assist Betsy and Kim with locating all funding used for training. County Executive Elrich will be appointing a task force to address this issue as well as employment for people of all ages with all types of disabilities.

Tom Liniak, Commissioner, asked if DDA will be paying the funding noted in this proposal. Claire said Bernie basically said to give him a proposal and he will consider it. Kim added there is a note in the proposal that states: "This amount does not include any funding from DDA to reimburse the CCS agencies for the loss of billing time so that staff can watch the proposed webinars." The Medicaid rate states that CCS are paid approximately 12 training days, but this proposal goes above and beyond standard DDA training. They are hoping that as part of this proposal DDA will consider reimbursing agencies for the time spent by CCS.

Susan Hartung, Commissioner, said CCS do not get involved with the student until their last year prior to graduation. Before then it is the role of Transition Support Teachers within the high schools. Susan also said that Montgomery County Public Schools serves people who speak 151 different languages, and DDA forms only come in English and Spanish. She added that in Montgomery County there are 762 individuals on the waiting list for DDA services. After a student graduates, the window closes and some of those services are no longer available. Parents need to recognize the significance of that time prior to graduation. Susan said there is also the issue of people coming into the school system from all over the country and the world because of the excellent services available in Montgomery County. They may not be aware of this transition timeline.

Hilary Kaplan, Commissioner, asked why there was such a limited window for applying for services and who determines the length of time. Claire explained that adult services are provided by Medicaid. Every state Medicaid Waiver is different. In Maryland, through the Medicaid Waiver and the Governor's Transitioning Youth initiative, there is a two-year window to apply for services. The process is also Federal as the state has to receive waiver approval from the Federal government. In Montgomery County, approximately 130 students are eligible for TY services ever year. That is a small number compared to students in Special Education.

Richard Shermanski, Commissioner, asked how the County disseminates information to students in that critical two-year window before they graduate. Claire does not know the answer to that. Students are assigned a CCS prior to graduating and that CCS works with the school system to assist the student through the transition process and apply for services. The student keeps their CCS after they graduate. Claire stated that there can be many reasons why an individual does not receive services. There can be issues with that process if the family does not follow through on the application process. Agencies may also not have the ability to serve someone with a significant disability that also has behavioral health issues. Larry Bram, Commissioner, added that individuals can fall through the cracks especially if the individual has a 504 and does not receive transition services. He receives calls often from families that have a child turning 22 and they did not know about transition services.

DDAC needs approval from this Commission in order to send their proposal to DDA. If approved, Betsy will write a memo to the Office of Intergovernmental Relations (OIR) to receive permission as this is a State issue. If approved they will brief the Maryland General Assembly and the County Executive can send it on to DDA. A motion was made to approve the Transition Pilot Proposal. The motion was seconded. A vote was taken and the motion was approved. A motion was made to ask OIR to brief the Maryland General Assembly on the needs for additional funding from DORS to address the wait list for needed services. The motion was seconded. A vote was taken and the motion was approved.

Discussion & Next Steps: Pedestrian Safety of Floating Bus Stops and Dockless Vehicle Pilot Program– Seth Morgan

Seth expressed his serious concerns with Montgomery County Department of Transportation (DOT) and the recent installation of bike lanes with floating bus stops.. He has reviewed DOT's Montgomery County

Pedestrian Safety Initiative Overview that states “Montgomery County designs and constructs numerous engineering projects that improve operations and enhance pedestrian safety” (www.montgomerycountymd.gov/DOT-PedSafety/overview.html). The initiative includes “new and widened sidewalk connections” as well as “all of the County’s bus stops are being improved, making them more accessible and safer for pedestrians”. Seth said neither of these initiatives are being accomplished with the installation of the floating bus stops. This Commission has made specific recommendations including installing lights to stop bicyclists if someone is in the crosswalk. DOT has said they will add crosswalk locators to assist individuals who are visually impaired with locating the crosswalks, but this does not help to identify where the bicyclists are coming from. Residents who were unable to get out of their houses and trying to become part of our society will stop trying because it is becoming too dangerous with the floating bus stops and bicycle lanes. Seth does not understand why the County is rushing to complete these projects. He plans to have one-on-one meetings with various Councilmembers and suggested Commissioners do so as well. Seth would like to start a grassroots letter writing campaign to the County Council and County Executive, and asked Commissioners to tell them about their pedestrian issues. While the Commission does not advise jurisdictions like City of Rockville, Commissioners can send a letter to the mayor as individuals. If Commissioners send a letter or e-mail to the President of the County Council a copy is given to all Councilmembers. Correspondence sent to the County Executive will be assigned to the appropriate department for response.

Hilary Kaplan, Commissioner, asked if the Commission can ask DOT specifics about their initiatives about how these improvements are benefiting pedestrians and people with disabilities.

Charlie Crawford, a former Commissioner who is blind sent, an e-mail to Commissioners detailing a recent incident where he and his was walking to the bus stop with their service animals and a bicyclist yelled at them to get out of the way almost hitting them. Charlie said that it is becoming too dangerous to be a pedestrian and he will not be out in the community as much because of the changes taking place.

Trish Gallalee, Vice-Chair, was in downtown Silver Spring this past weekend and saw firsthand the changes that have been made. On Spring Street, lanes have been removed to accommodate a bike lane. There are green markings in some lanes and white markings in other lanes. She did not know which lane to drive in as they are not marked correctly. To turn right onto Georgia Avenue from Spring Street, vehicles have to cross over the bike lane and it was not clear if that was legal or should be done. Trish found it to be very confusing from a driver’s perspective. She also noted that a pedestrian was recently severely injured at the Twinbrook Parking Center. Pedestrians need to be wary of what changes are happening, but it is also hard for drivers to keep up with those changes.

Hilary Kaplan, Commissioner, said that during one Sunday night coming down Colesville Road she encountered two bicyclists that were riding their bikes the wrong way and pulled into traffic during a red light. She feared that she had hit the bicyclist and had pulled over in traffic to check, but they had already left. Hilary asked what a person could do in a situation like that. Seth said that DOT wants to educate the disability community, but there does not seem to be any education of the bicycle community. From his own personal experience, he almost fell over while walking on a sidewalk when a bicyclist came up from behind and yelled at Seth to move. Seth has to concentrate very hard when he is walking and the warning came as a surprise and not within much time for him to get out of the way. Bicyclists need to be more respectful of pedestrians.

Neal Carter, Commissioner, said he had received an e-mail from Charlie Crawford that he then forwarded to Councilmember Riemer’s personal e-mail address. Neal followed up with Councilmember Riemer’s staff to make sure they followed up with Charlie. Neal said he has had issues in Rockville

Town Center of bicyclists almost knocking him over because the bicyclists could not see him due to traffic and parked vehicles. As Chair of the Legislative Subcommittee, Neal will be pushing hard from a legislative standpoint.

Carl Prather, Commissioner, uses a wheelchair accessible van and has to exit through the back. He noted that if he has to use his manual wheelchair instead of his electric wheelchair, he will not go out even with MetroAccess because it is too much of a burden.

Larry Bram, Commissioner, works at Easterseals located at the corner of Spring Street and Second Street in downtown Silver Spring. In order to create a bike lane, a lane of traffic was removed causing traffic back-ups. In order to enter the garage at Easterseals drivers must cross the traffic lane, a lane of parked vehicles, and a bike lane. Traffic blocks his vision of the bike lane so he cannot see if any bicyclists are coming. To exit the garage, drivers have to edge out into the bike lane to check oncoming traffic. Easterseals serves people with disabilities and MetroAccess is always dropping or picking up clients. Due to the extra traffic, the parking lane and the bike lane, MetroAccess often will drop individuals off in the street because there is no access to the curb. Larry said this is a catastrophe waiting to happen.

Kathy Mann Koepke, Commissioner, has noted a number of places where the County has widened the sidewalk, but there is now a fire hydrant in the middle of the sidewalk. One instance of this occurring is on Nicholson Lane. She has reported this to the County repeatedly, but nothing has been done. On University Boulevard, one section of the street that was widened has multiple fire hydrants and utility boxes located in the middle of the sidewalk. Kathy knows of at least two individuals who use wheelchairs that have to ride their wheelchairs in the street into oncoming traffic because they cannot maneuver that sidewalk.

Michael Bruen, former Commissioner, suggested involving the Montgomery County Police Department to have them address enforcing bicyclists who are not following the rules of the road. Seth said that is definitely one issue that is being raised with the Pedestrian Master Plan process.

Trish Gallalee, Vice-Chair, said she recently read of a lawsuit against e-scooter companies because they are violating the ADA by causing access issues on sidewalks. She noted that in Rehoboth, Delaware there are signs in the bike lanes that state bicyclists need to walk their bikes in areas where there is heavy pedestrian traffic. She suggested that this be implemented around Metro stations. Trish asked for a reasonable accommodation at work to keep her in a building where she did not have to cross the street next to the Metro station as she is fearful of people running over her or her service animal and the unsafe conditions of the intersection.

Shawn Brennan, Mobility Transportation Manager, said the County's pilot phase of the dockless e-scooter program ends on December 15th. Theoretically, a decision will be made at that point by the County to either end the program, extend the existing contract, or they could issue new contracts or a new Request for Proposal. Now would be the time to make your opinions heard so they can be factored into the new contracts. Shawn noted that DC is embracing scooters and will be tripling the amount available in the city. If that trend continues, the problem in this County gets much bigger.

Carl Prather, Commissioner, said he has only seen e-scooters being used on the sidewalks. Betsy said the motorized ones that can go up to 15 mph are allowed in the street with the bicyclists.

Avner Shapiro, Commissioner, asked if there were any e-scooter best practice examples that the Commission could cite. Seth is unaware of any but will do some research. The Commission could cite the lawsuits that have been issued in different cities across the country to stop the use of scooters. Hilary asked about involving local media in order to gain some publicity for this issue. Trish noted that the challenge with working with the media is to remember this Commission's role is to advise the County Executive and the County Council, which is why Commissioners must be very clear in how they phrase their correspondence. Commissioners can be interviewed as people with disabilities or those with an interest in this cause and community, but they cannot state that their comments are made on behalf of this Commission.

Angela Dizelos, Department of General Services, said that after meetings with this Commission, DOT has taped a public service segment designed to educate the community and the public. Angela said the video features a Montgomery County employee that uses a wheelchair. She is not sure how the video will be disseminated but will let the Commission know. It is a good first step in educating the public. Seth said he still has concerns about DOT not installing signs for bicyclists to yield to pedestrians or lights for them to stop to let pedestrians cross.

Day Al-Mohamed, Commissioner, asked if the Commission could request e-scooter data from DOT regarding where e-scooters are being dropped off and picked up as well as damage and collision rates. She stated that a study from Ohio State University was released earlier this year on 'Best Practices of eScooter implementation'.

(https://kb.osu.edu/bitstream/handle/1811/87590/AEDE4597_eScooterManagement_sp2019.pdf?sequence=1)

Seth said the Commission will discuss this issue further at next week's Steering Committee meeting. He asked the Commission for authorization to send a letter against the extension of the scooter program in the County. Kathy Mann Koepke, Commissioner, asked that the letter specifically state dockless scooters. Larry Bram, Commissioner, suggested amending the letter to state that this Commission is opposed to the e-Scooter program until the concerns of the disability community are met as the program presents a clear and present danger right now. A motion was made and seconded. A vote was taken and the motion was approved.

Chair and Vice-Chair Report:

Seth reported that Charlie Crawford and his wife along with Debbie Brown, National Federation of the Blind of Maryland, and Betsy attended the Montgomery County Bicycle Action Group (MCBAG) meeting last month to join in on their discussion about universal accessibility and pedestrian safety components of active bikeway design and construction projects. Seth said the Commission is working with that group, although he is not sure much progress was made.

Seth will be making remarks at a joint meeting held by the County Council HHS and Transportation & Environment Committees. The meeting will discuss accessible transportation options for seniors and persons with disabilities. A representative from the Commission on Aging will also be speaking.

The Steering Committee will meet next Wednesday, November 20th from 5:30 p.m. to 7:00 p.m. at HHS, 401 Hungerford Drive, 1st Floor Conference Room, Rockville, MD 20850.

Ex-Officio Member Updates: None.

Announcements: None.

Submitted by: Carly Clem, Administrative Specialist I
Betsy Tolbert Luecking, Community Outreach Manager

**Montgomery County Commission on People with Disabilities
December 2019 Meeting and Events Calendar**

Monday, December 9th **CANCELLED******
Developmental Disabilities Advisory Committee

Wednesday, December 11th
Full Commission Meeting
6:00 p.m. to 7:30 p.m.
EOB – 101 Monroe Street, Lobby Level Auditorium, Rockville

Saturday, December 14th
Vision Zero Town Hall Discussion on Street Safety for Pedestrians, Bicyclists & Drivers
Hosted by Councilmember Evan Glass
10:00 a.m. to 12:00 p.m.
COB – 100 Maryland Avenue, Rockville

Wednesday, December 18th
Steering Committee Meeting
5:30 p.m. to 7:00 p.m.
HOB – 401 Hungerford Drive, 1st Floor 1A Conference Room, Rockville

Wednesday, December 25th
Christmas Day – County Observed Holiday
Offices Closed