**ATTENDANCE**

**Members Staff**

Neil Romano, Chairman Lisa Grubb, Acting Exec. Director

Billy Altom Joan Durocher

James Brett Anne Sommers

Rabia Belt Phoebe Ball

Daniel Gade Amy Nicholas

Andres Gallegos Amged Soliman

Wendy Harbour Ana Torres-Davis

Benro Ogunyipe Keith Woods Clyde Terry Stacey Brown

**NCD Contractor**

Anthony Simpson

**Guests**

Valerie Karr, Ph.D., Assistant Professor, University of Boston; Anne Hayes, Independent Consultant; Stephanie Ortoleva, Founding President and Executive Director of Woemn Enabled International (WEI); Eric Rosenthal, JD, LL.D, Founder and Executive Director of Disability Right International (DRI); Anne Raish, Acting Chief, Disability Rights Section, Civil Rights Division, US Department of Justice; Christina Galindo-Walsh, Deputy Chief, Disability rights Section, Civil Rights Division, US Department of Justice; David Hutt, NDRN; Oneika Pryce, NDRN; Angela Ali, NDRN; Ana Marillo, NDRN; Frank Della-Penna, Marion Flores, Michael Holdman, Eileen Demsnowski, RTI; Kristen Stitch, DOJ; Geri Rossan, DOJ; Fletcher Fields, DOJ; Loretta Harrison, World Institute on Disability; Rita Martin, Deputy Director, Counsel State Administrators of Vocational rehabilitation; Dylan Hedtler-Gaudette, National Federation of the Blind; Suhail, Governmental Program Analyst, California Department of Rehabilitation; Thomas Coleman, Legal Director, Spectrum Institute Karen, International Consultant; Theresa, general public

**Welcome and Introductions**

Chairman Neil Romano called the meeting to order at 9:00 AM (ET) and welcomed Council members, staff and the public.

1. **Attendance and Roll Call**

Council Members Present: Neil Romano, Billy Altom, Rabia Belt, James Brett, Daniel Gade, Andres Gallegos, Wendy Harbour, Benro Ogunyipe, Clyde Terry

Quorum was confirmed.

1. **Acceptance of the Agenda**

**MOTION:** Mr. Jim Brett moved to accept the agenda of the March meeting.

**SECONDED:** Wendy Harbour

Roll Call Vote:

Chairman Neil Romano

Mr. Billy Altom: Aye

Ms. Rabia Belt: Aye

Mr. Daniel Gade: Aye

Mr. Andres Gallegos: Aye

Ms. Wendy Harbour: Aye

Mr. Benro Ogunyipe: Aye

Mr. Clyde Terry: Aye

Motion passed unanimously.

1. **Approval of the Minutes**

**MOTION:** Wendy Harbour moved to accept the minutes from the October 26, 2017 Council meeting with the amendment that the minutes reflect that the Council viewed the documentary– Rooted in Rights.

**SECONDED:** Billy Altom

Roll Call Vote:

Chairman Neil Romano

Mr. Billy Altom: Aye

Ms. Rabia Belt: Aye

Mr. Daniel Gade: Aye

Mr. Andres Gallegos: Aye

Ms. Wendy Harbour: Aye

Mr. Benro Ogunyipe: Aye

Mr. Clyde Terry: Aye

Motion passed unanimously as amended.

1. **Chairperson’s Report**

Chairman Romano commended the great work by Chairperson Clyde Terry and looks forward to the work that is ahead of the Council.

Chairman Romano stated that he would like to Council to look at a framework which will address issues within the Federal Government which are impeding the progress of people with disabilities. He added that he would like to look at ways on restructuring ways to do NCD reports by making them smaller. He added that he wants the Council to be recognized as an authority.

1. **Executive Director’s Report**

Ms. Lisa Grubb, Acting Executive Director stated that she was honored to serve as acting Executive Director and she embraces the vision that Chairman Romano has for the Council and looks forward to making it a reality.

Ms. Grubb commended the staff for their hard work and stated she was pleased to report that because of the AFO team’s hard work and collaborative efforts of all teams, the Council has received another unqualified financial audit report for fiscal year 2017.

Ms. Grubb stated that the Council is looking forward to celebrating the 30th Anniversary of the Americans with Disabilities Act in 2020.

1. **Progress Report Update and Discussion**

Ms. Amy Nicholas reported that the Council has decided to revisit the 2000 report, entitled, *“Promises to Keep”.* The report looked at the enforcement and oversight of several federal agencies regarding enforcement of the ADA.

Ms. Nicholas stated that this year’s report will overview three federal agencies. They are as follows:

* Equal Employment Opportunity Commission (EEOC)
* Department of Labor (DOL)
* Access Board

Ms. Nicholas stated that the 2000 report showed that many of the agencies were:

* reactive as opposed to proactive;
* look at the oversight and recommendations from that report, determined if implemented;
* look at additional disability laws that have been enacted since 2000 to see the reactions from other agencies

Mr. David Hutt, National Disability Rights Network (NDRN) reported that NDRN is partnering with Eve Hill and Regina Kline and its consulting groups. He stated that the NDRN and their partners will identify and critically examine the civil rights enforcement and implementation activities of the Access Board, the EEOC, DOL’s Office of Disability Employment Policy, wage and hour decision, the solicitor’s office, the civil rights center and the employment and training administration.

Mr. Hutt stated as a part of the key component of the 2018 report will be an evaluation of the recommendations from 2000, NDRN will address the relevant recommendations concerning the EEOC and the Access Board. He added among the 26 recommendations in the 2000 report from EEOC, NDRN has recommended that the commission litigate more class action suits and appropriate circumstances for the enforcement of the ADA.

Mr. Hutt stated NDRN has recommended that NCD recommends that the Access Board coordinate efforts with the Department of Justice on internet accessibility and that there should be coordination policy positions before guidelines and technical assistance materials are finalized.

Recommendations to the EEOC addressed and substantially eliminated in 2008 through the passage of the Americans with Disabilities Act Amendments. In 2000 the report exclusively dealt with the Americans with Disabilities Act (ADA) and in 2018 the progress report will address the Americans with Disabilities Act (ADA) and the enforcement of Section 503 of the Rehabilitation Act Section 14© of the Fair Housing Standards Act.

Mr. Hutt stated that the 2000 report articulated 11 elements to access how federal agencies enforce and implement disability civil rights laws to better ensure equal opportunity for persons with disabilities. They are as follows:

* proactive and reactive strategies of agencies;
* agencies communication with consumers and complainants;
* policy and sub-regulatory guidance issued by agencies;
* strategic litigation;
* timely resolution of complaints;
* competent and credible investigative processes;
* technical assistance for protected persons and covered entities;
* adequacy of agency resources;
* interagency of agency resources;
* interagency collaboration coordination;
* outreach and consultation with community by those agencies
1. **Foreign Policy Release and Respondent Panel, Ana Torres-Davis**

Ms. Torres-Davis introduced her panelists and gave a synopsis of their area of expertise.

Ms. Valerie Karr, Ph.D., Assistant Professor at the University of Massachusetts Boston, is an expert in the field of disability rights and has inclusive development experience and a clinical background in special education. She is an assistant professor at the school of global inclusion and social development.

Her other accomplishments are as follows:

* research director for World Enabled, the only youth-focused international disability rights organization;
* past projects as principal investigator;
* no one left behind;
* tracing aid to people with disabilities;
* coediting of *“Crisis, Conflict and Disability: Ensuring equality”*;
* author of UNICEF’s human rights education manual for youth with disabilities based on the UN Convention on the Rights of Persons with Disabilities;
* served as key educational advisor to the Centers International Forums in Qatar for eight years

Ms. Karr stated that one of the benefits of being at the Ph.D. program is that many interested graduate researchers which were extremely valuable in writing this report.

Ms. Karr reported that for decades the United States has worked tirelessly to develop its reputation as an international leader in providing and executing foreign aid. Policy makers and leaders worldwide look to the United States for guidance.

Ms. Karr stated the United States has two distinct schools of thought. One being an exemplar and exporter nation. People look to the United States for its policies and practices and sees us as leaders in the disability movement.

Ms. Karr stated that not including people with disabilities in overseas work area, that would be excluding 15% of the population from development opportunities. Nations will continue to depend upon the United States because examples of inclusive policies and actions have not been provided.

Ms. Karr stated that the goal of their research was to measure the area of progress and the findings from CND reports on the topic have helped policymakers, the White House and Congress make policy decisions to improve the inclusion of people with disabilities.

Ms. Karr stated that their report highlights progress made and calls attention to the areas in which agencies are responsible for managing foreign assistance which can farther promote inclusive practice.

There areas of inclusion are as follows:

* employment of people with disabilities at federal agencies;
* access to information and physical accessibility at agencies;
* inclusion of people with disabilities in foreign policy programs

Ms. Karr stated that inclusion of people with disabilities doesn’t have to costly it requires institutional support. Leaders are needed of organizations to be the public face of America overseas to value our principles of inclusion and equality and provide the impetus to systematically include people with disabilities across their programs and policies.

Ms. Karr stated the United States committed over $42 billion in foreign assistance in 2017 and planned commitment of approximately $26 billion in 2018.

Ms. Anne Hayes, Independent Consultant has over 20 years of technical experience focused on disability inclusive development, inclusive education, gender equity and human rights working in more than 30 countries. She has worked at the United Nations, federal government and non-profit organizations as well as serving as the director of collaborative initiatives at the World Bank’s Global Partnership on Disability and Development.

Ms. Hayes stated that the report needed the following. There were as follows:

* need for improved reporting;
* disability funding-a lack of transparency around the funding of the programming;
* report did a good job highlighting;
* inclusive funding;
* monitoring and evaluation
* disaggregate data

Ms. Stephanie Ortoleva, Founding President and Executive Director of Women Enabled International (WEI). It is a non-profit organization which works at the intersection of women’s and disability rights which educates and advocates internationally and regionally for the human rights of women and girls with disabilities through collaborations and organizations of disabled women worldwide.

Ms. Ortoleva has written extensively on various aspects of this issue in the United States and internationally. She added that there needs to be advancement of rights of women and girls with disabilities as well as people with disabilities through actions by government agencies in the implementation of foreign policy.

Ms. Ortoleva stated that the Current budget submitted to the Department of State, and its other foreign policy requests to Congress, the position of the special advisor on disability policy has been eliminated.

Ms. Ortoleva stated that it is crucial to visit agencies for the development of the human rights report and that the embassies are the ones who draft the initial proposals for the report. She added that in addition to the elimination of any discussions of women’s sexual and reproductive health in the report, a key section has been eliminated which discussed the disability component and it is not clear if there will be any discussion of disability in the forthcoming human rights report.

Ms. Ortoleva stated that the Department of State remains one of the few federal agencies that has made minimal progress on increasing the percentage of people with disabilities that are employed as well as doing very poorly with respect to the senior-level positions.

Mr. Eric Rosenthal, JD, LL.D., Founder and Executive Director of Disability Rights International, one of the first and leading human rights organizations dedicated to the protection of children and adults with disabilities under international law.

Mr. Rosenthal is an adjunct professor of law at the American University’s Washington College of Law and teaches in the human rights academy program of advanced studies in human rights and humanitarian law.

Mr. Rosenthal announced to the Council that on March 8 was the anniversary where 41 orphanage Guatemalan girls were burned to death. Many of whom were placed in an orphanage because their parents had disabilities and there were no supportive services for them. They were forced into institutions, sexually abused, forced into prostitution trafficking.

Mr. Rosenthal stated that the United States could be at the forefront of dealing with one of the great human rights problems. He stated that the United States are experts and have so much to offer the rest of the world in terms knowledge exchange, experience and political clout.

Mr. Rosenthal stated when the 2003 report was written the core part of the analysis was to look at the Rehabilitation Act, Section 501,502, 503, 504 and from the analysis the laws apply when the United States makes a contract to perform development activities in a foreign country that the US government to be spent in a manner that is non-discriminatory and appropriate for people with disabilities. If the Department of State doesn’t recognize enforceability, congress must demand it.

Mr. Rosenthal stated that after the 2003 report, NCD went to Congress and basically submitted two recommendations. They were as follows:

* Civil rights law and protections against discrimination must be enforceable, if not then each agency needs to have policy that is enforceable;
* Enforcement and inclusion must be funded;
* Funding will generate expertise within the agencies

Mr. Rosenthal stated that many disability groups in the United States don’t have international experience nor big development departments. Many experts have done work in their individual capacity and in small organizations to gain expertise in the international area.

1. **NCD Business Meeting**

**Finance Report, Billy Altom and Lisa Grubb**

Mr. Billy Altom stated the Council has undergone its financial audits for fiscal year 2017.The Council has received no deficiencies in its financial controls.

Mr. Altom stated that he Council is operating under a continued resolution through March 23 at $3.25 million and approximately $500,000 obligated toward projects and events.

**MOTION:** Chairman Romano moved to accept the finance report.

**SECONDED:** Rabia Belt

Roll Call Vote:

Chairman Neil Romano

Mr. Billy Altom: Aye

Ms. Rabia Belt: Aye

Mr. Bob Brown: Aye

Mr. Daniel Gade: Aye

Mr. Andres Gallegos: Aye

Ms. Wendy Harbour: Aye

Mr. Benro Ogunyipe: Aye

Mr. Clyde Terry: Aye

**Governance Report**

Ms. Rabia Belt stated that there were two votes occurred since the last quarterly meeting. They were as follows:

* sexual assault on college campus report
* Immigration letter

Both votes were affirmed for the record.

**Policy Report**

Ms. Joan Durocher thanked her team for their hard work. The agency has revamped its strategic plan and has developed a reform plan which will pivot to develop more work in house and strive to make recommendations shorter and tighter.

Ms. Durocher outlined the work that is underway by the policy team. They were as follows:

* emergency management on disaster preparedness and disability
* sexual assault on college campuses
* WIOA
* dental accreditation for dental care for people with intellectual and developmental disabilities
* Progress Report 2018
* monitoring and enforcement efforts from the Access Board, DOL and EEOC
* future progress report planning
* repackaging monthly policy updates, currents reports, legislative updates and PR updates into one document

**Legislative Outreach Report**

Ms. Phoebe Ball reported that the Council has released eight briefs and reports which was well received.

Ms. Ball stated that the media report has received a great deal of press for the report entitled, *“Not on The Radar”.* There will be a congressional panel discussion on the content of the report and the newly introduced legislation.

Ms. Ball stated that Congresswoman Dingle and other senators have been working on

legislation which will be introduced very soon.

Ms. Ball stated the LAO team is in the process of reviewing applications and will begin interviews for vacant position on that team.

he only solution that’s been offered for people who need decision-making assistance.

Ms. Ball stated that the report really addressed guardianship and its history and tries to link in to disability civil rights.

Ms. Ball stated that there is approximately 1.5 million people are in guardianship and all of them have a disability.

Ms. Ball stated that recommendations have been made for going forward I the area of guardianship and she hopes that he Council will stay engaged and explore the issues further.

1. **Training on Council Member Time Reports**

Ms. Lisa Grubb gave a quick synopsis of the time card procedures which included the number of days a member can work per year and when time sheets are to be submitted for approval by the chairman and processed by staff for payment.

1. **Recap of New Policy Project Proposals from October 2017**

Ms. Durocher listed the projects that are underway. They are follows:

* autonomous vehicles
* guardianship as a civil rights issue for people with IDBD/federal courts
* emergency preparedness
* institutionalization because of natural disasters
* disability accommodations and medical care for immigrants and US citizens interacting with immigrations and customs enforcement
* 14C
1. **Panel of Department of Justice Disability Rights Division**

Anne Raish, Acting Chief, Disability Rights Section, Civil Rights Division, and Christina Galindo-Walsh, Deputy Chief, Division Rights Section, Civil Rights Division spoke about the rescissions of the ADA guidance documents including DOJ’s statement on the enforcement of the integration mandate of Title 2.

Ms. Raish state that two executive orders were issued. They were 13771 issued January 30, 2017 which addressed the offsetting the number and costs of new regulations. 13777 issued February 24, 2017 which directed heads of agencies to appoint a regulatory reform officer and establish a regulatory reform task force.

1. **Public Comments**

Ms. Rita Martin, Deputy Director, Counsel State Administrators of Vocational Rehabilitation stated that she supports NCD’s list of priorities and acknowledged that its studies presented are important and having different meanings and expectations for various groups. She added that supports the position that NCD has on 14C.

The executive director for the National Environmental Health Strategies stated their agencies work to protect the public health and improve the lives of people of environmental exposures. She stated that nearly 1/3 of Americans report reactions to everyday environmental exposures. 13% to 16% report unusual sensitivities and up to 6% are disabled with chemical under chemical under electrical sensitivities.

She stated federal agencies have failed to address many issues that are basic to survival. She asked Council members to provide an opportunity for their voices to be heard by convening one or more stakeholder roundtables.

Mr. Dylan Hedtler-Gaudette, National Federal of the Blind express his interest that the Council maintain a leadership role in autonomous vehicles and how this new emerging technology intersects with the disability community.

Mr. Hedtler-Gaudette said that there is state level action that is taking place on the autonomous vehicle front and that it is continuing at a rapid pace alone in 2017. 21 states have enacted this legislation.

Suhail, associate governmental program analyst, California Department of rehabilitation stressed concern about subminimum wage and 14C certificate holders. Many Californians have a lot of providers that are continuing to use 14C to subsidize the services that they are providing to customers.

Ms. Loretta Harrington, Institute on Disability stated in 2014 the institute began a systematic analysis in to youth work incentives and introduced extensive fact finding with disability employment advocates and state and feral partners.

Ms. Harrington Stated the institute’s employment and economic empowerment model

(WIDE3) is a solution set and d online portal that addresses incomplete policies and programs with a curriculum, coaching, benefits planning and financial literacy tools.

Mr. Thomas Coleman, Spectrum Institute. He stated the institute has a disability and guardianship project that they have been working on for several years. He stated that he was glad that the Council is considering making guardianship reform a priority.

Mr. Coleman encouraged the Council to a take a proactive and aggressive approach on guardianship reform because academic and passive approaches are not going to work.

Karen, an international consultant wanted the encourage the Council to examine the process of hiring foreign service officers. She added that more people with disabilities need to be hired that have technical skills.

Theresa, caller stated that she would like to encourage the Council to take a deeper look at the impact on guardianship on individuals with developmental and intellectual disabilities. She believes individuals that are transitioning into adulthood are impacted and their civil rights removed when families continue to be guided to purse guardianship by professionals.

1. **Council Discussion on State of Projects**

Ms. Belt wanted to spoke to the immigration proposal for people that are immigrants that work with people with disabilities. She suggested doing a larger report or study on auxiliary folks. She suggested that she would like disability advocacy groups may have conflicting interests in terms of looking towards those populations.

Ms. Wendy Harbour stated that she was concerned about prioritizing the Council’s proposals.

Chairman Roman told Ms. Harbour that the Council will start with a review with staff of all topic areas, then to the Executive Committee to prioritize them.

1. **ADJOURNMENT**

**MOTION:** Chairman Romano moved to adjourn the Council meeting.

**SECONDED:** Wendy Harbour

Roll Call Vote:

Chairman Neil Romano

Mr. Billy Altom: Aye

Ms. Rabia Belt: Aye

Mr. Bob Brown: Aye

Mr. Daniel Gade: Aye

Mr. Andres Gallegos: Aye

Ms. Wendy Harbour: Aye

Mr. Benro Ogunyipe: Aye

Mr. Clyde Terry: Aye

The motion passed unanimously.

The meeting adjourned at 3:54 p.m.

Date Approved by the Council: May 10, 2018

Signature

Neil Romano

Printed Name