

Negotiated Rulemaking and Comment Summary

December 16, 2021 1:00 pm MST

Negotiated Rulemaking DOCKET 16.05.04

Video meeting as published in the Administrative Bulletin

SEE attached attendee lists

Facilitator: **Heather A. Cunningham, Executive Director**

Bureau: **Idaho Council on Domestic Violence and Victim Assistance**

Call to Order and Outline Meeting Format

I. Purpose of Meeting

A. Overview: Funding Formula changes are critical to make sure all programs are funded fairly across the state and that demand for services is taken into account. The formulas in our IDAPA rules (16.05.04) have not been revised since 1990. Most states had formula funding in those days but have moved away from this structure in the years since. We need to strike a balance between need for services and protecting rural programs where numbers may not be as high. How might we change the rules to make more sense and allow for resources to be expended where they are most needed while also ensuring the availability of services statewide?

B. A brief review of current formulas:

1. IDAPA 16.05.04 § 022, Domestic Violence Grants, allocates State dedicated funds, with a minimum of 51% going to programs and the remainder available to fund operations of the Council, which does not receive General Funds other than roughly \$14,000 per year, so anything which cannot be funded by a federal grant must use dedicated funds. These funds are distributed based on the number of marriage licenses per County and population, with no relationship to shelters in a region or need.
2. IDAPA 16.05.04 § 024, Family Violence (FVPSA) Grants, allocates FVPSA funds equally throughout the 7 public health district regions without regard to need. These funds are formula funds based on population and are roughly \$1 million annually currently.
3. IDAPA 16.05.04 § 023, Victim Assistance (VOCA) Grants, allocates funds equally based on the population and number of square miles in each region. These funds are formula funds from the Crime Victims Fund, which varies. These funds have declined with the most recent awards to Idaho being \$17 million, \$12 million, \$9 million and \$6 million. Although the VOCA Fix legislation which passed in April 2021 is likely to result in an increase in awards moving forward, we still need to navigate the decline, and the amount and timing if an increase is unknown. There is currently no ability to allocate the funds where most needed; the amounts are tied to area and population.

II. Discussion Points

a. Model A

- i. ICDVVA can move away from formula funding. The rules would specify that the council make funding decisions based on best available data, taking into account the need to maintain services in both rural and urban areas and to send limited resources

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where they are most needed. A formula does not have to be in the rules. We can prioritize direct services while ensuring rural coverage and correlating to demand and need for services. This model allows the broadest choice in flexibility. Boarder language allows us to adapt quickly if needed, as rules re only changed at the legislature very five years.

- b. Model B
 - i. ICDVVA can use a hybrid model. There can be a small portion that is allocated with a formula in the rules, assuring a small guaranteed amount per region, and a portion that is discretionary and competitive. It can be based on geography, region, or service category, etc. (e.g., 50% of FVPSA funds allocated across regions equally and 50% competitive/discretionary, or 5% of each VOCA Award in each region with the remainder awarded based on competitive grants taking into account need/best available data, or a set percentage of State DV funds to each qualifying shelter in the State which applies). This model does not allow maximum flexibility, but would allow more flexibility than the current rules.
- c. Model C
 - i. Programs decide as a region a recommended funding plan and submit to the Council. Programs applying in each region would meet with their Regional Councilmember to consider how to best ensure that shelter, counseling, forensic exams, and other needed victim services are available in each region, given the particular needs of each region, and would collaborate on which programs provide which services to avoid duplication and maximize the use of funds in that region. The regional funding recommendation could be presented by the Council member for consideration and a vote by the Council.

III. Follow Up

- a. Written comments for Docket 16-05-04 are to be submitted on or before [April 22, 2022](#) to:

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P.O. Box 83720
Boise, ID 83720-0036
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Comments from 12/16/2021, Written Comments Submitted Post-Meeting, and Responses

Verbal and written comments were submitted by the following individuals/organizations:

Molly Kaczmarek, Bea Black, Candice Balcazar, Dolores Larsen, Robin Bronson, Veronica Vasquez, Steven Snow, Kellie Lavigne, Kimberly Middleton, Darci Anderson, Kimber Janes, Zenita Delva

		Comments	Responses
W- Written V- Verbal	Commenter Name & Organization	General Questions and Concerns	
V	Heather Cunningham (HAC), ICDVVA	Did anyone who attended session 1 go back to their boards for discussion? If so, what feedback do you have?	Molly Kaczmarek of St Luke’s stated that they are most interested in Model A for flexibility – but with expectation of some kind of structure around it, to make it sustainable to keep that model over 10/20+ years until next round of changes. Gathering critical data will help drive good decisions.
V	Heather Cunningham, ICDVVA	Participants should consider the State DV project rules. HAC shared on screen the rules for funding the project and the rules for distributing the funds. (found here: https://icdv.idaho.gov/wp-content/uploads/sites/80/2021/08/FY22-Funding-Allocations-Updated-082321.pdf) The fund is made up of \$15 from every marriage license, \$20 from every divorce, and \$10 from each protection order violation. These funds make a dedicated fund that 51% of which must be available to programs via grants. To be eligible, you have to run a shelter and a 24/7 crisis line. Less money goes to Region 2 because they have fewer marriage licenses (under \$8000 as opposed to \$38,000 for Region 1). Only \$171,800 per year – not very much money anyway. But the formula should still be fixed.	Bea Black of WCA wanted to confirm that the 24/7 crisis line rule cannot be changed – HAC confirmed that that is outside the scope of the rule change and is found in statute. Bea supports using State DV funds to fund smaller programs because of the reduced reporting requirements.

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V	Candice Balcazar, Elmore County DVC	How many shelters are there in the state?	HAC replied: approximately 29.
V	Bea Black, WCA	If State DV \$ was divided evenly among all eligible organizations, how much would they get?	HAC replied: \$5,900 apiece. Alternatively, if one recipient was chosen per region, that would be \$25,000 apiece.
V	Heather Cunningham, ICDVVA	Another State DV funding option is for all eligible organizations to apply, and the Council make the funding decisions.	
V	Dolores Larsen, Rose Advocates	The money they get isn't a lot, but it is very impactful.	
W	Veronica Vasquez, Rose Advocates	I like the 29 apply and each get a certain amount evenly	
W	Robin Bronson, Crossroads	How would the decision be made about who to award it to in a competitive process?	HAC responded that this is a new option, and we have not determined how this would work yet. Presumably, ICDVVA would take into account alternative funding sources available to the given agencies and decide who could make best use of it. Agencies better equipped to handle federal reporting and other requirements wouldn't necessarily need it as much as smaller agencies. Possibly agencies going forward, due to steep VOCA cuts, would only get 1 or 2 funding streams rather than all 3.
V	Bea Black, WCA	I like the flexibility of ICDVVA making that determination, with some flexibility. I would rather have fewer funding streams to make it easier to fulfill requirements.	
V	Steven Snow, Council on Deaf/Hard of Hearing	How is money awarded and distributed?	HAC explained the process. ICDVVA gets money from the federal govt and distributes it throughout the state based on an application process. VOCA funds are currently awarded to 46 programs (all but one). VOCA= \$12M this year, but going down to \$9M next year and \$6M the

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			following year. FVPSA gives Idaho about \$1M per year, distributed to programs. State DV funds \$171,800 per year to programs from dedicated funds.
W	Candice Balcazar, Elmore County DVC	I support maximum flexibility in the model chosen.	
V	Steven Snow, Council on Deaf/Hard of Hearing	What are the priorities for grant awards; how are the underserved targeted?	HAC explained the application scoring criteria for the last grant cycle. Underserved is taken into account with scoring, and using best available data helps.
W	Kellie Lavigne, Shoshone County Women's Center	How can we forecast for the next 3 years? Do we simply take the percentage of the reduction and budget that way?	HAC explained we have no way of seeing beyond the next 2 years – but we know those VOCA numbers. FY23: \$9M and FY24: \$6M. We can't cut everyone equally, because some programs would go under. FVPSA funding will not fluctuate much, it is based on population. State DV is also likely to stay at the same level for the next several years.
V	Heather Cunningham, ICDVVA	With respect to application scoring criteria, are there other factors you would like us to consider, and if so, is there any data to support them?	
V	Kimberly Middleton, Elmore County DVC	Can we discuss separating out the statewide agencies?	HAC explained that the agencies that are statewide are currently assigned to their HQ region even though their services are in multiple regions. There has been a suggestion to add a statewide bucket/category so that this does not create an unfair drain on resources in the HQ region (could be allocated to each region in which they operate, for example). Bea Black, Molly Kaczmarek, and Kellie Lavigne agree that tracking statewide agencies separately in an 8 th bucket makes sense.
V	Steve Snow, Council on	For DV, there are no programs in Idaho designed for deaf and hard of hearing	HAC explained that Idaho agencies can contract with out of

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<p>Deaf/Hard of Hearing</p>	<p>victims. There is a center in Utah that is geared for this purpose. Can Idaho VOCA \$ pay for this?</p>	<p>state agencies to provide services that they are not equipped to provide. HAC also proposed that in the future we would like to provide some streamlined services like ASL interpreters, translation services at a statewide level with a Council contract that all funded providers could access. Centralized Communication Access Funds could allow for less resistance. HAC agrees that for underserved populations, centralized services can increase access for deaf, blind, LEP, disabled victims. Maybe set aside 1% for this purpose.</p> <p>Bea Black in chat: “Love the idea of this fund to promote better accessibility and have it be centrally located with the Council. Great out of the box thinking as none of us know who will need our services and the unique accommodation or interpretation they may need.”</p> <p>Kimber Janes in chat: “statewide, streamlined funding for interpreters, medical, and mental health services would be fantastic. It would make those services more consistent across regions. Tele services are already something we use, but could be incorporated.”</p> <p>Dolores Larsen in chat: “Travel to rural areas has kept some out of area service providers from coming our way”</p> <p>HAC discussed difficulty in providing mental health services virtually from a centralized fund – counseling will have to stay</p>
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			<p>within individual programs. (Bea Black agreed in chat)</p> <p>Robin Bronson in chat: “I like the idea of the statewide accessibility of resources. Our area is so rural, we have an extremely limited or no choice for these kind of service providers.”</p>
V	Heather Cunningham, ICDVVA	<p>There is a core set of direct services that need to exist in every region – shelter, SANE nurses, forensic exams, counseling, children’s services, etc – as long as each region has everything available, it might be possible to share some resources within a region.</p>	<p>Kim Middleton at Elmore County DVC: victims who were fleeing before their shelter was established had to go all the way to Payette. So Regional money wasn’t always being spent on the region the client was from.</p> <p>Dolores Larsen at Rose Advocates agreed that she often takes clients from other regions (even other states).</p> <p>Bea Black at WCA also agreed that often clients have to go far to find a bed. They often have a waitlist, but she wanted everyone to know that a client with a high lethality rating will always be placed.</p> <p>HAC responded that the data collection is essential in order to determine where need is greatest. How far you have to travel for services is an important consideration. Collaboration among programs also helps with this problem.</p>
V	Dolores Larsen, Rose Advocates	<p>Half of shelter is transitional housing right now – because there is nowhere to go. Had to change the limit on shelter stays to accommodate victims with nowhere to go.</p>	<p>Kim Middleton of Elmore County DVC in chat: “We also have the need to keep clients in shelter longer due to limited housing options here in Elmore County”</p>

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V	Heather Cunningham, ICDVVA	<p>For the next session (#3) on February 15, ICDVVA will provide draft rules for discussion. Models A, B, and C were presented at session 1. We are open to other models if anyone has suggestions. If all the participants on this call can vote on a preferred model to pursue, we will work on a draft for the next meeting. She recapped each one. Model A = no funding formulas, Council decides based on data and published criteria. Model B = hybrid (set percentage per region and the rest competitive). Model C: Regions decide and submit a plan. No “Model D”/other suggestions at this time.</p>	<p>Emily Johnson of Big Brothers Big Sisters asked if the percentages used for Model B would ever change, i.e., in case of a community’s growth, and HAC said no – once in the rules, it stays until another rule change.</p> <p>Bea Black of WCA in chat: “It has never made sense to me that the Legislature should be making program decisions about which they know nothing! And this doesn't just apply to the Council! That's the problem with including any type of specific funding formula in the rules.”</p> <p>HAC asked that everyone submit their vote by January 15 for one of the models presented, so that we have time to create a draft by the next session on Feb. 15.</p>
V	Heather Cunningham, ICDVVA	<p>Oregon uses a model with very specific formulas for calculating the number of victims served for DV and SA (shared detail onscreen, “Funding Towards Equity: Oregon Sexual and Domestic Violence Programs”). She expressed concerns about the limitations on data – only women, only adults, limited victimizations, equal funding per county may not address need realistically, FTE salaries will not be the same across counties, many different types of jobs are needed to serve victims so the concept of funding one FTE has some issues. Asked for any comments about it and invited other studies, models or alternatives anyone is aware of or would like to consider.</p>	<p>Molly Kaczmarek of St. Luke’s CARES: she would be interested to read it, but thinks it would hinder the flexibility we need in Idaho.</p> <p>Bea Black of WCA commented that this model highlights the problem with embedding a formula in statute. She hopes we can change the rules to maintain flexibility.</p> <p>Zenita Delva of 2nd CASA in chat: “I like the idea of formulas but then how do you ensure that everyone is counting the same and being honest? ... I mean that their data is accurate”</p>
V	Bea Black, WCA	<p>Bea thanked HAC on behalf of all programs for this difficult work. Many thank-yous followed in the chat.</p>	
V	Heather Cunningham, ICDVVA	<p>Thanks to everyone for their participation. Please provide any further written comments to info@icdv.idaho.gov</p>	

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Votes via the chat:

- Votes in the chat for Model A: Kellie Lavigne, Bright Tomorrows, James Brownson, Molly Kaczmarek, Bea Black, Kimber Janes, CJ Jones, Dolores Larsen, Andrea Piper-Wentland, Veronica Vasquez.
- Votes in the chat for Model B: Emily Johnson and Candice Balcazar.
- Votes for Model C: none.
- Want more time to discuss: Kimberly Middleton, Scott Smith, Melissa Mezo, CASA programs

Legislative Rulemaking 12-16-2021 Attendance List

Name	Organization
Heather Cunningham	ICDVVA
Dana Wiemiller	ICDVVA
Amy Duque	ICDVVA
Kristina Larkin	ICDVVA
Andrea Piper-Wentland	ATVP
Aspen Arnold	Mahoney House
Darci Anderson	Family Advocates
LaVona Andrew	ASL Interpreter
Bea Black	WCA
Heather Young	Bright Tomorrows
CJ Jones	Post Falls PD
Candice Balcazar	Elmore County DVC
Dolores Larsen	Rose Advocates
George Gutierrez	Victims' Compensation
Scott Smith	Bingham Crisis Center
Steven Snow	Council on Deaf/Hard of Hearing
Emily Johnson	Big Brothers Big Sisters
Holly Llewellyn	Oneida Crisis Center
James Brownson	Idaho Youth Ranch
Jane Ahl	Big Brothers Big Sisters
Jared Marchand	6 th CASA
Jennifer Beazer	ICDVVA intern
Jennifer Perry	Nampa FJC
Johnna Baer	Mahoney House
Josselyn Smith	Twin Falls County Juvenile Probation
Karl Noah	No Organization Stated
Kellie Lavigne	Shoshone County Women's Center

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Kim Middleton	Elmore County DVC
KJ Brant	1st District CASA
Meegan Littlefield	Family Crisis Center
Melissa Mezo	Terry Reilly
Miren Aburusa	MADD
Molly Kaczmarek	St Luke's CARES
Nahiomí Aponte	Family Crisis Center
Pam Martinez	Mahoney House
Patrick Reagan	Mahoney House
Rachel Kaschmitter	ICDVVA Region 5 Council member
Robin Bronson	Crossroads Harbor
Spencer Brookshier	DVSAC
Stacy McAlevy	7 th CASA
Tahna Barton	5 th CASA
Teresa Banks	Shoshone County
Todd Bowman	U of I College of Law
Veronica Vasquez	Rose Advocates
Wes Somerton	ICDVVA Region 1 Council Member
Zenita Delva	2 nd CASA