

Background:

The Council will review the minutes from the August 9, 2013, Council meeting and August 8, 2013, Committee of the Whole meeting.

Council

Agenda Item 3. A.

Expected Action:

The Council will review, revise as appropriate, and approve the minutes from the August meetings.

**COUNCIL MEETING
DRAFT MINUTES
AUGUST 9, 2013**

COUNCIL MEMBERS PRESENT

Mary Durham, Chair	Cassie Fisher, DARS	Dana Perry
Hunter Adkins	Stephen Gersuk	Joe Rivas
Kimberly Blackmon	Kathy Griffis-Bailey, DSHS	Amy Sharp, A&M CDD
Kelly Chirhart, UT CDS	Cindy Johnston	Cindy Swain, TEA
Gladys Cortez	Jeff Kaufmann, DADS	David Taylor
Andrew Crim	Diana Kern	Nancy Walker, HHSC
Mary Faithfull, DRT	Scott McAvoy	

COUNCIL MEMBERS ABSENT

Kristine Clark	John Morris	Susan Vardell
Kristen Cox	Lora Taylor	
Mateo Delgado	Richard Tisch	

STAFF MEMBERS PRESENT

Roger Webb, Executive Director	Cynthia Ellison	Jessica Ramos
Martha Cantu	Celina Galvan	Koren Vogel
Joanna Cordry	Wendy Jones	Lucy Walker
	Susan Mihalik	

GUESTS PRESENT

Amanda Dunnavant	Katelyn Norman	Elizabeth Tucker
Mary Martinez	Nancy Rosenau	

CALL TO ORDER

The Texas Council for Developmental Disabilities convened on Friday, August 9, 2013, in the Salon C&D Room of the Marriott Austin South Hotel, 4415 IH 35 South, Austin, TX 78745. Council Vice-Chair Andy Crim called the meeting to order at 8:32 AM.

1. INTRODUCTIONS

Council members, staff and guests were introduced. Crim noted that Council Chair Mary Durham was initially unsure if she would be available for the Executive Committee meeting so they agreed he would chair both the Executive Committee and Council meetings. He also recommended that all committee vice-chairs chair their committee meetings on occasion to gain the experience.

2. PUBLIC COMMENTS

No public comments were offered to the Council.

3. CONSENT ITEMS

Executive Director Roger Webb reviewed edits to the minutes which include the spelling of Shaun Bickley's name and corrections of the names of Interagency Council for Addressing Disproportionality and the Center for Elimination of Disproportionalities and Disparities.

MOTION: To approve the revised minutes of the May 3, 2013 Council and May 2, 2013, Committee of the Whole meetings.

MADE BY: Mary Durham

SECOND: Scott McAvoy

The motion **passed** unanimously.

Crim next reviewed excused absences for this meeting which include Kristen Cox, Lora Taylor, Rick Tisch, Mateo Delgado, Susan Vardell, Kris Clark and John Morris. He also noted that Cassie Fisher is representing the Texas Department of Assistive and Rehabilitative Services and Nancy Walker is representing the Texas Health and Human Services Commission in non-voting capacities since neither has received required training and orientation about TCDD.

MOTION: To approve the excused absences of the Council members as noted.

MADE BY: Mary Faithfull

SECOND: Jeff Kaufmann

The motion **passed** unanimously.

4. CHAIR'S REPORT

The Administration on Intellectual and Developmental Disabilities (AIDD) Technical Assistance Institute and the National Association of Councils on Developmental Disabilities (NACDD) Annual Conference were held in Washington DC recently. Council members John Morris and Gladys Cortez and TCDD staff members Joanna Cordry, Jessica Ramos and Wendy Jones attended these events. Cordry reported her "take-aways" from the events including information that AIDD expects Councils to provide detailed information and reporting in annual reports and expects Councils to gather more input from the public. Cordry also attended a valuable session on managing conversations and encouraging leadership roles when a group includes minorities or people with disabilities. Cortez indicated that she learned that the Texas Council leads the way for other Councils in a number of areas. She also attended sessions on encouraging self-advocates in their participation. Ramos also reported that Texas is leading the way about respectful language and employment first policies. She attended a session with a staff member from the Department of Labor on employment for people with disabilities and is now able to provide more information to the Texas Employment First advisory committee. Jones reported that she attended sessions on Social Role Valorization and first responder training for interacting with people with developmental disabilities.

Chair Durham attended the Association on Higher Education and Disabilities conference and reported on tracks which included assistive technology and disability law. Durham attended sessions on legal issues regarding ADA accommodations and sessions on building sustainable post-secondary education programs for individuals with intellectual disabilities.

5. EXECUTIVE DIRECTOR’S REPORT

Webb reported that the Governor’s appointment staff do not have any updates on appointments or reappointment of Council members. Members whose terms expired in February 2013 continue to serve in a “hold-over” capacity until reappointed or replaced.

He discussed information about reported fraud at the Arc of Texas by a former staff member. The Arc’s initial review is that grant funds from TCDD were not involved. The Arc of Texas has engaged a forensic accountant who will review records in more detail and expects to provide additional verification that TCDD grant funds to the Arc of Texas were not compromised.

Webb reviewed travel guidelines for members and reminded members that reimbursement for meal expenses should be for actual expenses and not estimates or “rounded” sums for meals.

6. PRESENTATION: EVERYCHILD, INC.

The Council received a presentation from Elizabeth Tucker and Nancy Rosenau of EveryChild, Inc. on their work that enables children to live in families or family-based alternatives instead of institutions. They acknowledged and thanked TCDD for previous grant funding that initially established what became EveryChild, Inc. Rosenau discussed changes as a result of SB 386, the Family-Based Alternatives and Permanency Planning legislation. She noted that over 2,100 children have transitioned back to their birth families or to family based alternative settings since 2003 but approximately 800 children still reside in institutional settings. Rosenau reviewed a timeline of programs that create systems change such as HCS and CLASS Medicaid Waivers. Tucker discussed the supports needed for a child to transition from a congregate living setting to a family-based setting such as access to supports and services, access to a facilitator, a capable provider base and active engagement by all decision makers. She also provided specific stories of children who have transitioned from nursing homes and state supported living centers to their own families or family-based alternative settings. They further discussed key issues that remain for children in facilities and noted that a study of the permanency plans for these children indicates interacting factors including high support needs, difficult family circumstances and lack of system resources. Opportunities for future development of programs to create systems change include positive behavior support in families’ homes and access to enhanced/direct support in the home.

7. SUNSET REVIEW SELF-EVALUATION REPORT

Vice-Chair Crim and Executive Director Webb reviewed the agency Self-Evaluation report for the Sunset Review of TCDD and the major policy issues identified by TCDD staff. Webb also discussed the process for Sunset Review of agencies.

MOTION: To approve the major policy issues as proposed in the TCDD Sunset Review Self-Evaluation Report.

MADE BY: Andy Crim for the Executive Committee
(Motions from a committee do not need a second.)

The motion **passed** without opposition. Kathy Griffis-Bailey (TDHS) abstained. (Attachment 1)

Webb further discussed the recommendation to remove the TCDD Biennial Disability Report as a requirement in statute. He noted that this work is often redundant to other agency reports. He also

discussed the TCDD State Plan as the driving entity behind Council activities instead of the Biennial Disability Report.

MOTION: To recommend elimination of the Biennial Disability Report requirement from state statute.

MADE BY: Andy Crim for the Executive Committee
(Motions from a committee do not need a second.)

The motion **passed** without opposition. Kathy Griffis-Bailey (TDHS) abstained from voting.

8. MEMORANDUM OF UNDERSTANDING WITH TEA

Crim discussed the Executive Committee review of the Memorandum of Understanding (MOU) with the Texas Education Agency (TEA). He noted that this contract exists to outline services provided by TEA as TCDD's designated state agency and is reviewed annually. No changes have been proposed to the MOU for the coming year.

MOTION: To approve the Memorandum of Understanding for FY 2014 with the Texas Education Agency.

MADE BY: Andy Crim for the Executive Committee
(Motions from a committee do not need a second.)

The motion **passed** unanimously. (Attachment 2)

9. FY 2014 OPERATING EXPENSE BUDGET

Crim reported that the Executive Committee reviewed the proposed operating expense budget for FY 2014 and did not recommend changes. Operations Director Martha Cantu provided detail of the proposed budget, noting that it is based on level federal funding with FY 2013. The overall budget is reduced slightly from FY 2013 based on actual expenses the past two years. Cantu also noted that any savings during the year become available for grant projects during the next budget year. Council members asked about contingency plans if the agency loses additional funding due to federal sequestration measures. Webb explained that there are a variety of areas in operating expenses and grant funding portions of the budget that will allow for savings should TCDD experience a further reduction in federal funding.

MOTION: To approve the Operating Expense budget for FY 2014 as presented.

MADE BY: Andy Crim for the Executive Committee

The motion **passed** unanimously. (Attachment 3)

10. 2014 BIENNIAL DISABILITY REPORT SPECIAL FOCUS

Council Chair Mary Durham reported on the Public Policy Committee discussion about the 2014 Biennial Disability Report. The Committee agreed with staff recommendations to not have a special focus for the 2014 Biennial Report.

MOTION: To develop the TCDD 2014 Biennial Disability Report meeting the statutory requirements but without an additional special focus.

MADE BY: Mary Durham for the Public Policy Committee.

The motion **passed** unanimously.

11. FUTURE ACTIVITIES FOR STATE PLAN IMPLEMENTATION

Durheim reported that the Public Policy Committee discussed, as did the Project Development Committee, the development of a Developmental Disabilities Policy Fellowship Program. This program will be for three years and will include 2 fellowships in the first year, 4 in the second and 2 in the third, with total funds authorized of \$540,000. Project Development Chair Gladys Cortez noted that the Project Development Committee concurred with the proposal and asked staff to include a validation of outcome measures.

MOTION: To authorize funding for a Public Policy Fellowship project.

MADE BY: Mary Durham for the Public Policy Committee.

The motion **passed** unanimously. (Attachment 4)

Durheim also discussed a proposal to support self-advocates on agency advisory committees and workgroups (Attachment 5). The Public Policy Committee recommends budgeting the \$50,000 set aside for public policy activities each year in the Council's budget to develop supports that allow for meaningful participation by self-advocates. Executive Director Webb further explained that the types of supports needed will be determined once those advisory body members are appointed and the supports needed by self-advocates are determined. The Committee recommends approving this project for one year.

MOTION: To allocate \$50,000 for one year to develop supports for self-advocates on advisory committees.

MADE BY: Mary Durham for the Public Policy Committee.

The motion **passed** unanimously.

The Public Policy Committee also reviewed a recommendation to continue providing travel support for public members of advisory committees. Durheim noted that TCDD has been providing funds to support public members of various agency advisory committees since FY 2000 to allow self-advocates or family-member advocates to participate on statewide advisory committees when those agencies do not have the funds to support their travel, and those appointees do not have sponsorship from another organization. Funding has been approximately \$35,000 to \$40,000 annually to support members of the Children's Policy Council, Consumer Direction Workgroup, Council on Children and Families, Task Force for Children with Special Needs, Texas Brain Injury Advisory Council and the Texas System of Care Consortium. Funding is recommended for FY 2014-2015 at \$45,000 - \$50,000 yearly. The Committee also asked staff to advise agencies that TCDD funds should be viewed as the payor of last resort.

MOTION: To approve \$45,000 -\$50,000 per year for two years for the travel support for public members of advisory committees.

MADE BY: Mary Durham for the Public Policy Committee.

The motion **passed** unanimously.

Project Development Committee Chair Gladys Cortez reported that the Committee reviewed additional information about the Advocacy U project, including minimal use of information on the site by visitors. The Committee recommends no additional funding be approved for the project. Crim added that he would explore the option for maintaining the current content by the library at the University of North Texas Health Science Center. Planning Coordinator Joanna Cordry explained that the site was not used as it was designed by the leadership and advocacy training grantees due to the time required for adding information. And, much similar information is now available at various other websites.

MOTION: To discontinue funding for the Advocacy U website after the current year.

MADE BY: Gladys Cortez for the Project Development Committee.

The motion **passed** with Stephen Gersuk opposed.

Cortez further reported on Committee discussion of a transportation project. The Council issued a Request for Proposals for this project and received only one proposal. However, that applicant withdrew from negotiations due to staffing changes before an award was finalized. The Project Development Committee asked staff to develop an executive summary for a transportation project that would support local grass-roots efforts to solve accessible transportation problems and would include a summit (or series of workgroups) for stakeholders from rural areas and potential collaborating agencies such as housing, employment, etc.

Cortez noted that no changes were made to the Future Funding Priorities chart with the exception of the removal of the Advocacy U project and the Family Involvement in Schools project because that project has begun.

12. EXECUTIVE COMMITTEE REPORT

Crim reported that the Executive Committee reviewed the Independent Audit and Grants Exceptions Reports and found no concerns.

Crim also reported that continuation grant awards were approved for:

- Helpful Interventions for up to \$75,000 for the second of a three-year Gulf Coast of Texas African American Family Support project, and
- Texas Tech University for up to \$174,666 for the second of a five-year Project SEARCH support project.

Crim reviewed stipend grants approved this quarter for the following applicants (see Executive Committee minutes):

- Texas Advocates
- Arc of Greater Beaumont

- A Circle of Ten, Inc.
- Barbara Jordan Endeavors
- VOLAR Center for Independent Living
- Area Network on Disabilities and Aging

Disability-Related Presentations stipend grants were approved for:

- Arc of Greater Beaumont
- Providers Alliance for Community Services of Texas
- University of Texas at El Paso

Operations Director Martha Cantu reviewed the quarterly financial report and noted the expenses and balances for operating expenses and grant projects from each fiscal year's funds. Cantu indicated that the available balance from FY 2012 operating expenses has been reallocated to grant funds and advised that the deficit showing for FY 2013 and FY 2014 will be offset by remaining balances in operating expenses and unexpended funds from other grant awards. Crim indicated that the Committee had no concerns about the quarterly financial report as presented.

The Executive Committee reviewed conflict of interest disclosures from members and staff and found no concerns. Members were encouraged to report any changes to their disclosures.

13. PROJECT DEVELOPMENT COMMITTEE REPORT

Committee Chair Cortez reported on projects that began during the past quarter. Cortez also noted a committee discussion stemming from her interest to explore the policy issues of reproductive rights as well as sexual education necessary for self-advocates living in the community.

12 PUBLIC POLICY COMMITTEE REPORT

Chair Durham referred members to the Public Information report.

13. ANNOUNCEMENTS AND UPDATES

Crim discussed the upcoming Audit Committee meeting and encouraged members to become involved with that Committee if interested. Council members discussed the dates of the upcoming meetings which include October 23-25, 2013, February 5-7, 2014, May 7-9, 2014 and August 6-8, 2014 and Crim reported on upcoming presentations at those meetings. Jeff Kaufmann provided information on upcoming training in the Austin area for first responders relating to interacting with people with disabilities. Disabilities Rights Texas representative Mary Faithfull reported that her agency will be seeking input on its priority process beginning October 1, 2013.

ADJOURN

Vice-Chair Crim adjourned the Council meeting at 10:55 AM.

Roger A. Webb
Secretary to the Council

Date

**COMMITTEE OF THE WHOLE
DRAFT MINUTES
AUGUST 8, 2013**

COUNCIL MEMBERS PRESENT

Mary Durham, Chair
Hunter Adkins
Kimberly Blackmon
Kelly Chirhart, CDS - UT
Gladys Cortez
Andrew Crim

Cassie Fisher, DARS
Stephen Gersuk
Manda Hall, DSHS
Cindy Johnston
Jeff Kaufmann, DADS
Diana Kern

Scott McAvoy
Joe Rivas
Dana Perry
Amy Sharp, A&M – CDD
Cindy Swain, TEA
David Taylor

COUNCIL MEMBERS ABSENT

Kristine Clark
Kristen Cox
Mateo Delgado

Mary Faithfull, DRT
John Morris
Lora Taylor

Richard Tisch
Susan Vardell
Nancy Walker, HHSC

STAFF MEMBERS PRESENT

Roger Webb,
Executive Director
Martha Cantu
Belinda Carlton

Joanna Cordry
Celina Galvan
Wendy Jones
Susan Mihalik

Jessica Ramos
Koren Vogel
Lucy Walker

GUESTS PRESENT

Amanda Dunnavant
Greg Hansch
Tonya Lavelle

Mary Martinez
Katelyn Norman
Jacques Ntome

Clayton Travis

CALL TO ORDER

The Committee of the Whole of the Texas Council for Developmental Disabilities convened on Thursday, August 8, 2013, in the Salon C&D Room of the Marriott Austin South Hotel, 4415 IH 35 South, Austin, TX 78745. Council Chair Mary Durham called the meeting to order at 10:35 AM.

1. INTRODUCTIONS

Council members, staff and guests were introduced. Joe Rivas announced that he has submitted his resignation from the Council to the Governor's office, effective October 25, 2013. He cited the time required of Council members conflicting with his personal and business activities

2. PUBLIC COMMENTS

No public comments were offered.

3. CHAIR AND EXECUTIVE DIRECTOR REMARKS

Chair Durham reviewed excused absences for Council members including Kristen Cox, Lora Taylor, Rick Tisch, Mateo Delgado, Susan Vardell, Kris Clark, John Morris and Mary Faithfull. The Texas Department of Assistive and Rehabilitative Services (DARS) will be represented by Cassie Fisher and the Health and Human Services Commission (HHSC) will be represented by Nancy Walker at the Council meeting only. Both Walker and Fisher will be in a non-voting capacity.

Durheim reported that Council Vice-Chair Andy Crim chaired the Executive Committee meeting because of her uncertainty about being available on that date, and will chair the Council meeting. Durheim encouraged Committee Vice-Chairs to chair their committee meeting on occasion for experience. Due to the absence of both the Chair and Vice-Chair of the Public Policy Committee, Durheim will chair that meeting.

4. PRESENTATION: MENTAL HEALTH PUBLIC POLICY ADVOCACY

Public Policy Director Jessica Ramos introduced four participants in the Hogg Mental Health Policy Fellowship program. The Fellows received intensive training, education and experience in mental health, advocacy and policy work with the purpose of developing individual and organizational capacity to encourage mental health policy and initiatives across the state. Ramos noted that the program has been very successful and TCDD staff are proposing a program similar in structure focused on developmental disabilities policy matters. Participants in the Hogg Fellowship program included Greg Hansch working with NAMI – TX, Tanya Lavell working with Easter Seals of Central Texas, Jacques Ntome working with Texas Appleseed, and Clayton Travis working with Texans Care for Children. The Fellows reviewed successes from the 2013 legislative session in the areas of mental health including increased funding for services, changes in criminal justice and education policy, and revisions to the mental health code. They described the logistics of their fellowship program and their goals upon completion of the second year of the program.

5. 83rd TEXAS LEGISLATURE UPDATE

Public Policy Director Jessica Ramos and Public Policy Specialist Belinda Carlton provided a summary of legislation from the 83rd Texas Legislature. They discussed the final budget as approved and Carlton noted that many of the “wish list” items for services were funded. Ramos provided detail on increases to Medicaid Community Long-Term Services Waiver programs and discussed the Community First Choice Option that will provide assistance to 11,902 people with intellectual and developmental disabilities as well as people with other disabilities with a functional need. Ramos also reviewed Promoting Independence funding for 1,377 adults and children.

Ramos and Carlton reviewed results of TCDD priority bills. Bills that passed related to Employment First, reform of long-term services and supports, and positive behavior interventions and supports training. Measures related to prohibiting discrimination of organ transplants for people with disabilities, a long-term services and supports bill of rights, and a long term plan for rebalancing the state supported living centers system did not pass. Ramos and Carlton also reviewed outcomes of bills addressing education, employment, long-term services and supports, state supported living centers, and mental health issues.

6. GRANT PROJECT HIGHLIGHTS

Grants Management Specialist Susan Mihalik provided highlights on TCDD funded Enabling Technology projects. She discussed current projects awarded to Strategic Education Solutions and to Educational Programs Inspiring Communities. These projects improve employment options and educational outcomes by creating technology to enable people with disabilities to gain and maintain competitive employment.

ADJOURN

Council Chair Durheim adjourned the Committee of the Whole at 1:35 PM.

Roger A. Webb
Secretary to the Council

Date