

Background:

The Council will review the minutes from the May 9, 2014, Council meeting and May 8, 2014, 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 October & February meetings.

**COUNCIL MEETING
DRAFT MINUTES
MAY 9, 2014**

COUNCIL MEMBERS PRESENT

Mary Durham, Council Chair	Jeff Kaufmann, DADS	Amy Sharp, A&M CDD
Hunter Adkins	Sara Kendall, DARS	Cindy Swain, TEA
Kimberly Blackmon	Diana Kern	David Taylor
Kristine Clark	Scott McAvoy	Lora Taylor
Gladys Cortez	John Morris	April Young, HHSC
Kristen Cox	Dana Perry	
Stephen Gersuk	Penny Seay, UT CDS	

COUNCIL MEMBERS ABSENT

Andrew Crim	Manda Hall, DSHS	Susan Vardell
Mateo Delgado	Cindy Johnston	
Mary Faithfull, DRT	Rick Tisch	

STAFF MEMBERS PRESENT

Roger Webb, Executive Director	Joanna Cordry	Susan Mihalik
Martha Cantu	Sonya Hosey	Jessica Ramos
	Erin Lawler	Koren Vogel

GUESTS PRESENT

Mary Martinez	Mike Rendon
Susan Maxwell	Thelma Scott

CALL TO ORDER

The Texas Council for Developmental Disabilities convened on Friday, May 9, 2014, in the Hill Country B Room of the Holiday Inn Austin Midtown Hotel, 6000 Middle Fiskville Rd, Austin, TX 78752. Council Chair Mary Durham called the meeting to order at 8:33 AM.

1. INTRODUCTIONS

Council members, staff and guests were introduced.

2. PUBLIC COMMENTS

Public comments were received from Thelma Scott of Barbara Jordan Endeavors Foundation and Mike Rendon from the Corpus Christi sub-chapter of Texas Rehab Action Network. Rendon provided information on the upcoming "Walk & Roll" event to raise funds and disability awareness. Rendon also discussed transportation issues in the Corpus Christi area.

3. CONSENT ITEMS

Council members reviewed the minutes from the October 2013 Council and Committee of the Whole meetings as well as the February 2014 Committee of the Whole meeting. No revisions were offered. Durham reviewed the absences for this meeting to include Andy Crim, Mateo Delgado, Cindy Johnston, Rick Tisch, Susan Vardell, Mary Faithfull (DRTx) and Manda Hall (HHSC).

MOTION: To approve the excused absences as noted and the minutes of the October 25, 2013 Council meeting, October 24, 2013, Committee of the Whole meeting and February 6, 2014 Committee of the Whole meeting.

MADE BY: Scott McAvoy

SECOND: Kris Clark

The motion **passed** without opposition. Stephen Gersuk abstained from voting.

4. CHAIR'S REPORT

Chair Durham invited TEA representative Cindy Swain to discuss TEA Rule implementation. Swain noted that Rules are being developed for new graduation requirements and dispute resolution as well as timelines for evaluation of special education services. Draft Rules will be posted before the end of May and public comment hearings are scheduled for June 25 and 27, 2014. Swain further reported that a draft Transition-Employment guide has been developed by Region 11 Education Service Center and a stakeholder meeting on this document is scheduled for June 26, 2014. Swain also discussed data collection from school districts on special education services for students between the ages of 18-22 and noted that stakeholder meetings are scheduled for July 8, 2014.

5. EXECUTIVE DIRECTOR'S REPORT

Webb discussed the timeline for Sunset Commission review of TCDD with initial staff meetings scheduled for the first week of June 2014. The staff report to the Commission will be presented in October with opportunity for public input at that time.

Webb reported on discussions with Gabby Fuentes of the Governor's Appointments Office and her hope to make Council member appointments in the next few months.

6. ELECTION OF COUNCIL VICE-CHAIR

Hunter Adkins reported on the Nominating Committee discussion for Council Vice-Chair and noted that the Committee recommends a second term for current Vice-Chair Andrew Crim. No other nominations were received from the floor.

MOTION: To elect Andrew Crim as Council Vice-Chair.

MADE BY: Hunter Adkins for the Nominating Committee (motions from Committee do not need a second.)

The motion **passed** unanimously.

7. ELECTION OF CONSUMER (SELF-ADVOCATE) MEMBER TO THE EXECUTIVE COMMITTEE

Hunter Adkins reported on the Nominating Committee discussion for consumer (self-advocate) member to the Executive Committee and noted that the Committee recommends a second consecutive term for current member Diana Kern. No nominations were received from the floor.

MOTION: To elect Diana Kern as Consumer Member to the Executive Committee.

MADE BY: Hunter Adkins for the Nominating Committee (motions from Committee do not need a second)

The motion **passed** unanimously.

8. REVISIONS TO TCDD POSITION STATEMENTS

Public Policy Committee Chair Kristen Cox reviewed revisions to the position statements, noting punctuation changes only to the Aging with Developmental Disabilities statement. Cox discussed recommended changes to the Community Living statement which include elimination of the adjective “natural” where it references community but also noted that the Committee had extensive discussion on advocating for choice in living environments while still advocating for the closure of state supported living centers. The Committee recommends Council approval of proposed revisions to this statement but plans further discussion on this topic at the next meeting. Cox noted that one revision was recommended to the draft Criminal Justice statement changing the word perception to perceptual. Changes were recommended to the Transition from School to Adult Life statement to include punctuation and the following sentence “Transition planning should also include pro-active pursuit of higher education options for students and should reflect the Texas Employment First policy stating that *earning a living wage through competitive employment in the general workforce is the priority and preferred outcome for working age individuals with disabilities who receive public benefits*” as well as a change to the term post-school to post-secondary. The Committee recommended the Service Coordination, Employment, Guardianship and Public Transportation statements to be revised as drafted.

Council members agreed to vote separately on the Transition from School to Adult Life and Community Living position statements separately.

MOTION: To approve revisions to the Transition from School to Adult Life position statement as recommended.

MADE BY: Kristen Cox for the Public Policy Committee

The motion **passed** unanimously. (Attachment 1)

MOTION: To approve revisions to the Community Living position statement as recommended.

MADE BY: Kristen Cox for the Public Policy Committee

The motion **passed** with Stephen Gersuk opposed. Lora Taylor and Jeff Kaufmann abstained. (Attachment 2).

MOTION: To approve revisions to the Employment, Guardianship and Supported Decision Making, Public Transportation, Aging with Developmental Disabilities, Criminal Justice, and Service Coordination position statements as recommended.

MADE BY: Kristen Cox for the Public Policy Committee

The motion **passed** unanimously. (Attachment 3-8)

9. COUNCIL MEMBER TRAINING – ROBERT’S RULES OF ORDER

Executive Director Webb provided Council member training on Robert’s Rules of Order noting that Council policies on parliamentary authority follow the most current edition of Robert’s Rules of Order. He provided a history of Robert’s rules as well as useful websites should members wish to conduct additional research on the topic. Webb noted that Robert’s Rules protect members both present and absent by requiring business to be defined in advance, allowing an opportunity for all to be heard with decisions rendered by the majority. Robert’s Rules of Order define the quorum of members required to do business as well as the procedures for debate and voting on a topic. Guidelines for running an effective meeting are provided for the Chair as well as the requirements for record keeping. It was noted that Robert’s Rules of Order provide for an orderly and respectful discussion during the Public Policy Committee when members had a difference of opinions.

10. FUTURE ACTIVITIES FOR STATE PLAN IMPLEMENTATION

Project Development Committee Chair Gladys Cortez reported on Committee discussion and direction to develop executive summaries for future projects. The first suggestion is for interactive training such as podcasts or webinars on disability issues. It was noted that the University Centers on Excellence in Developmental Disabilities currently have technology available to collaborate on training projects. Chair Durham reminded members that projects of this type are in response to a prior audit report recommendation to develop options for shorter time-span to initiate projects when funds need to be obligated.

Cortez reviewed a second recommendation to develop scholarships/internships generated extensive Committee discussion. The concept was generally favorable but concerns were raised about an influx of applications for funding. Additional suggestions including funding for research support on disability-related topics. No action was taken by the Committee.

Cortez further noted that the Committee discussed leadership development and advocacy skills training projects that have ended or will be ending soon. The general consensus of the Committee was that continuing leadership training is still important but emphasis should be placed on local grass-roots efforts. Staff will develop executive summaries for future projects.

11. EXECUTIVE COMMITTEE REPORT

Grants Management Director Sonya Hosey reviewed the Independent Audit Status Report and the Grants Monitoring Exceptions Report and noted that no concerns were noted on either. Hosey also discussed the Risk Assessment report and reviewed the new format for Council members.

Hosey provided members with a summary of grant funding approved in February, April & May 2014. Because the Executive Committee did not have a quorum to conduct business during the February meeting, Chair Durham approved continuation funding for eight projects based on member input and staff recommendations. The Executive Committee approved additional new and continuation grant funding during April and May Committee meetings.

Operations Director Martha Cantu reviewed the quarterly financial reports noting that the final federal Notice of Grant Award for FY 2014 was received in the amount of \$4,804,064. She discussed the remaining funds from FY 2013 that are available for obligation during FY 2014 for grant projects and the expected surplus for FY 2014 of approximately \$109,159 that will be available for grant

projects in FY 2015. She noted that although there is a projected deficit for FY 2015, it is expected that unspent operating expense funds and unused grant funds will remove this deficit.

The Executive Committee reviewed Council member and staff Conflict of Interest disclosures and found no concerns.

The Executive Committee discussed succession planning procedures for the Executive Director position noting that the time line to refill the position when vacant is nearly one year. Although there is no expected departure of Executive Director Webb, the Committee feels it would be prudent to do preliminary work should this become necessary. The Committee plans to review the current position description and discuss procedures for future implementation.

12. PROJECT DEVELOPMENT COMMITTEE REPORT

Project Development Committee Chair Cortez noted that the Committee discussed using visuals in state plan development and the Committee generally approved of the idea. It was felt that images provide a good snapshot of ideas and could be shared and tracked through social media sites.

13. PUBLIC POLICY COMMITTEE REPORT

Public Policy Committee Chair Kristen Cox reported that the Committee received policy updates on transitioning medical benefits to managed care, Employment First taskforce activities, TCDD public testimony on standardized testing and on guardianship and supported decision making. The Committee also had initial discussion on 2015 Public Policy Priorities with recommendations to continue focused and strategic priorities. Members were encouraged to continue relationships with local legislators prior to the session. Committee members also had discussed implementation of restraint and seclusion laws in school settings.

14. ANNOUNCEMENTS AND UPDATES

Council members discussed dates of future meetings which include August 6-8, 2014, November 5-7, 2014, February 4-6, 2015 and May 6-8, 2015.

ADJOURN

Council Chair Durham adjourned the meeting at 10:14 AM.

Roger A. Webb
Secretary to the Council

Date

Attachment 1



Transition from School to Adult Life Position Statement

The Texas Council for Developmental Disabilities supports the position that people with disabilities have the right to live in and be an integral part of their communities, to be employed, to be independent and to make informed choices about their lives. Each student with disabilities, as all youth, must be given opportunities to achieve academic success, to cultivate personal interests and preferences, to explore and pursue career options that are both relevant and meaningful, and to participate in job training, job placement and community experiences as part of the transition from school to adult life. Transition planning should help a student move from school to adult life and must address key life areas related to work, recreation and leisure, home living, community participation, and opportunities to learn after high school. Transition planning should also include proactive pursuit of higher education options for students and should reflect Texas “Employment First” policy, stating that “earning a living wage through competitive employment in a general workforce is the priority and preferred outcome for working-age individuals with disabilities who receive public benefits.” This can include a range of post-secondary options, such as but not limited to attending higher education, technical schools, or pursuing national service vocations. The individual services provided ultimately depend on the student’s needs and interests.

A comprehensive array of timely services, coordinated among and between all adult service agencies and the local education agency, is imperative to maximize choices and opportunities for students with disabilities to achieve independence and be contributing and respected members of their communities. The transition planning process should be a thoughtful, student-centered, student-led process that takes into account the individual’s unique values, preferences, abilities and challenges. In addition, it should include training in self-determination, self-advocacy and individual rights. Transition planning should help a student access services and supports beyond school by providing information about and the opportunity to apply for community-based long-term services and supports through Medicaid waiver and non-waiver services, Social Security disability benefits, affordable housing options in the community, Vocational Rehabilitation Services, and available transportation options.

Whole communities, including families, schools, businesses, employers, health care providers, public service agencies, and other stakeholders, must work together to identify, locate, and share resources to assist in promoting successful post-school outcomes. Students and families should be trained to actively and effectively participate in transition planning and they should be provided with resources about how to secure an independently facilitated transition plan. Students should have the opportunity to identify and select the participants in their transition planning processes. Successful transition planning is facilitated when each student and his or her parents have the information, knowledge, skills, and access to supporting services that enable them to fully participate in the process of planning the student’s future. That information, knowledge, skills, and access should be coordinated through the student’s local education agency. If a student is not affiliated with a local education agency, the transition planning

process should be coordinated by a single other agency, entity, or individual having responsibility for such planning and chosen by the student or family.

The Council values the diversity and unique contributions of each citizen of the state. Fragmentation of the various service delivery systems results in the provision of inadequate, untimely and/or inappropriate services and costly duplicative efforts. Coordination among young adults and their families, local education agencies, outside agencies, and others on information sharing, flexible scheduling, and implementation timelines is critical.

The ultimate measure of successful transition planning is to increase the numbers of young adults engaged in stable employment in integrated settings at competitive wages after completing secondary and/or post-secondary education experiences. It is the Council's position that providing effective transition planning and services for young adults with disabilities benefits each community and the entire state. People with disabilities who are employed enrich the diversity of our communities, rely less on publicly-funded services, and contribute to the overall well being of the community's economic base.

Approved May 9, 2014

Attachment 2



Community Living Position Statement

The Texas Council for Developmental Disabilities supports the position that individuals with disabilities should have access to opportunities and the supports needed to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, the state, and the nation.

Individuals with disabilities must have access to the full range of accommodations necessary to ensure that living in their community is possible. These accommodations may take various forms such as personal attendant services, medication monitoring, respite, durable medical equipment, employment services, transportation, and/or minor home modifications. Accommodations may be sustained for either longer or shorter duration or may be of greater or lesser intensity depending on the need of the individual.

Services to children should be provided in their family setting. When children cannot remain with their families, they must be cared for using principles, policies and processes akin to those of permanency planning and have access to family-based alternatives that ensure enduring and nurturing relationships.

Adults with disabilities shall have choice and control about where, how, and with whom they live. They must be provided with assistance that may be needed to make these choices and to sustain choices regarding community living. All people with disabilities should have access to the services and supports they need to live in the community. The state of Texas must allocate the requisite resources to support community living for people with disabilities. In addition, the state must rapidly expand the availability of individualized community options, transition all individuals in state institutions to community living, commit to a transition plan to close state supported living centers and transfer any cost savings to quality community programs. Communities must also be cultivated to ensure local systems foster accessibility within and across all facets of community life, so that maintaining community placement is a feasible outcome for individuals with disabilities.

Approved May 9, 2014

Attachment 3



Employment Position Statement

The Texas Council for Developmental Disabilities supports the position that people with disabilities have the right to employment at competitive wages, job training, and career growth as lifelong learners. Employment opportunities in the community job market should be open to people with disabilities without discrimination or segregation. Through employment, people with disabilities gain an important point of entry into their communities, a sense of being valued, wages and job benefits. With these tangible and intangible rewards from employment, people with disabilities secure greater independence and freedom from public support service systems.

The Texas Council for Developmental Disabilities affirms that:

- State agencies should revise policies to align with the state's Employment First Policy that competitive employment at a living wage in the general workforce is the first and preferred outcome of publicly-funded services for all working-age Texans with disabilities.
- Students with disabilities should receive a sound foundation in their K-12 education. This foundation should include person centered planning and support the student's transition into higher education or a career after graduation. High school education must provide a range of choices in career preparation such as vocational training, career and technology education, preparation for higher education and opportunities for employment in the community.
- Transition plans should identify individualized goals that reflect each student's highest potential and should be pursued ambitiously.
- People with disabilities have the right to self-determination in establishing their career path, career goals, job placement or self-employment options, retention, advancement and retirement plans.
- People with disabilities should have access to an array of individualized, flexible and coordinated support services including assistive technology and supports, as long as necessary to obtain and keep employment.
- People with disabilities should be able to participate in employment without losing necessary public benefits, especially access to health care.
- Employment opportunities and the benefits of employment should be fully accessible to people with disabilities beginning with recruitment and continuing through retirement. Employers should strive to make the physical environment accessible, use accessible technology, and provide individualized, reasonable accommodations.
- The employment needs of people with disabilities should be effectively addressed through a collaborative effort by businesses, professional organizations, state and local governments, and people with disabilities and their support networks.

- ❑ Entities involved in statewide employment initiatives should disseminate information about civil rights laws that guarantee the rights of people with disabilities, resources to support people with disabilities in the workplace.
- ❑ Entities involved in statewide employment initiatives should disseminate information to employers and the business community to overcome the negative perceptions and fears of hiring people with disabilities, and to explain the benefits and incentives of hiring people with disabilities.
- ❑ Entities involved in statewide employment initiatives should assist people with disabilities to develop successful self-employment options that can include micro-enterprises and other entrepreneurial ventures.

Approved May 9, 2014

Attachment 4



Guardianship and Supported Decision-making Position Statement

The Texas Council for Developmental Disabilities supports increasing opportunities for, and protecting the civil rights and well being of, people with developmental disabilities. The vast majority of people with disabilities, including those with intellectual and developmental disabilities are able to make important decisions without the need for a guardian. With the provision of supports and services, most persons with disabilities are capable of making important decisions such as where they want to live without the need for a full or limited guardian.

Guardianship is a legal tool which allows a person to make decisions for another person. It also removes the civil rights and privileges of a person by assigning control of their life to someone else. Although state law in Texas directs a court to encourage the development or maintenance of maximum self-reliance and independence, it is not uncommon for courts to create full guardianships that deprive individuals with disabilities of the right to make fundamental decisions about their lives. The broad definition of incapacity in Texas Estates Code has a discriminatory impact by enabling a court to appoint a guardian if an adult has a physical or mental condition and is substantially unable to provide food, clothing, or shelter, to care for their physical health, or manage their own financial affairs. Even though individuals with a disability may need supports and services or assistance from others to provide for such needs, they should still be afforded the right to make choices about these aspects of their lives.

The Texas Council for Developmental Disabilities supports the following changes to the guardianship system in Texas that would promote the well being and protect the rights of people with disabilities:

- A person should not be presumed to need a guardian because of advanced age or the presence of a physical or mental disability.
- Courts should consider alternatives to guardianship before creating a guardianship. People with disabilities should be given the opportunity to avoid or limit guardianship through a variety of alternatives including supported decision-making. Supported decision-making would allow a person with a disability to select a person or persons to help the person with disability to understand and make decisions about their own lives.
- The definition of incapacity in state law should be revised to consider the person's everyday functioning, values, preferences and cognition rather than their medical diagnosis. The definition of incapacity should also require the consideration of the various proactive measures that have been taken or could be taken, including the use of available supports and services, to maximize the ability of that individual to function, and to make and communicate informed decisions.
- Attorneys ad litem should be knowledgeable of alternatives to guardianship and supports and services that assist or could assist individuals to make their own decisions and minimize the need for guardianships.

- ❑ A person under a guardianship should receive a copy of their guardianship orders and be informed in a manner accessible to the individual about how they may raise complaints or concerns about their guardian or guardianship to the court, including resources for further assistance.
- ❑ A bill of rights for persons under guardianship that delineates all rights, responsibilities and privileges granted under state and federal laws should be adopted in state law.
- ❑ People who have guardians should, when possible, be able to make decisions about where they live.
- ❑ The term “ward” should be revised to “person under guardianship” in state law and supporting materials.
- ❑ A guardian should be required to meet with the person under guardianship and the person’s physician before consenting to the administration of psychoactive medication for that individual except in a medication-related emergency as defined by Section 574.101(2), Health and Safety Code.

Approved May 9, 2014

Attachment 5



Public Transportation Systems Position Statement

The Texas Council for Developmental Disabilities supports the position that a public transportation system must meet the needs of citizens in a safe, reliable, affordable and accessible manner. Transportation is essential to any effort to enable all citizens to live as independently as they choose, and be fully integrated in their communities. A transportation system should be one system with walkways linked to all modes of transportation.

People with disabilities cannot enjoy the basic right to freedom of movement when they must depend on transportation systems that are limited, do not exist, or the transportation and walkways are not connected and accessible.

The Texas Council for Developmental Disabilities supports the position that publicly funded and/or regulated transportation service systems must:

- combine all transportation services and funding into one system to be universally accessible and effective;
- coordinate and computerize dispatch at state, federal and local levels among all modes of transportation;
- expand capacity in suburban, urban, rural and unincorporated areas to connect places people live with places they work, shop, socialize, worship, attend school, access health care, etc.;
- include alternative routes for people with disabilities and specifically in wheelchairs, during construction; and
- be fully accessible to all people with disabilities.

The Council advocates for people with disabilities to be actively represented on boards and advisory groups for both public and private entities that oversee or provide transportation services.

For the promise of full integration into the community to be real for people with disabilities they must have access to safe, reliable, affordable, and accessible transportation to connect them where they live with where they need to go.

Approved May 9, 2014

Attachment 6



Aging with Developmental Disabilities

Position Statement

The Texas Council for Developmental Disabilities supports the position that all people aging with disabilities should be fully included in their communities. Many people with developmental disabilities are supported throughout their lives by family caregivers. The number of older adults with intellectual and developmental disabilities is expected to triple over the next twenty years and the majority of Texans waiting for services have a primary caregiver who is between 31 and 59 years of age.¹ As people with developmental disabilities and their caregivers' age, they have the right to continue to live in the community. Each faces challenges caused by the aging process and needs flexible support systems equipped to meet their changing needs.

Therefore, the Council supports the position that Texas has a responsibility to ensure that the state's long-term services and supports system can meet the needs of older Texans with disabilities and their aging family caregivers by:

1. Ensuring that long-term services and supports are available and flexible enough to allow each aging individual to remain in their home and community.
2. Building expertise among service providers to assist people with developmental disabilities who are aging and their family caregivers in actively planning for their future long-term care needs.
3. Increasing capacity for respite services for aging caregivers of people with developmental disabilities.
4. Including people representing the disability community on any committee developing or reviewing initiatives and policies related to aging.
5. Assisting people to establish a comprehensive retirement plan to encompass any or all of the following concerns:
 - access to health care
 - advanced directives relating to health care
 - counseling services
 - retirement or employment options
 - guardianship/alternatives to guardianship
 - housing
 - legal issues
 - leisure time activities
 - long-term services and supports plan
 - financial issues
 - self advocacy training
 - transportation

Texas leads the nation in promoting independence of people with disabilities and can continue to set the standard as its population ages.

Approved May 9, 2014

¹ Texas Biennial Disability Report, The Texas Council for Developmental Disabilities, 2010.

Attachment 7



Criminal Justice Position Statement

People with intellectual, developmental and/or mental health disabilities who are victims, suspects or witnesses have the right to justice and fair treatment in all areas of the criminal justice system, including reasonable accommodations as necessary. While those with intellectual disabilities comprise 2% to 3% of the general population, they represent 4% to 10% of the prison population, with an even greater number in juvenile facilities and jails, and are 4 to 10 times more likely to be victims of crime than those without disabilities¹.

People with intellectual, developmental and/or mental health disabilities may have functional support needs in one or more spheres of mental functioning that involve perceptual memory, and judgment modalities. Their ability to process and retain information and to relate cause and effect may be affected. A disability does not necessarily mean a person is incompetent to stand trial, but it is the responsibility of counsel and the court to raise competency as an issue in appropriate cases and at any point in the proceedings where the defendant's competency is in question. Attorneys and judges often lack adequate and appropriate knowledge of due process protections available for people with disabilities prior to, during, and after being found incompetent to stand trial. Additionally, with the increased pressure to privatize services, there is a need to ensure competency and mental health treatment is not compromised.

TCDD supports the position that timely, appropriate, and adequate care and treatment must be provided to individuals determined incompetent to stand trial, with particular attention to the following:

- Early intervention that includes a valid and clinically appropriate disability screening prior to, during, and following arrest, and comprehensive officer training in booking and intake procedures of individuals with intellectual, developmental and/or mental health disabilities.
- Ensuring competency restoration is provided in appropriate therapeutic settings that facilitate recovery.
- Reduction on the reliance of non-medically necessary outpatient treatment.
- Reduction in the amount of time the criminal court retains jurisdiction over an alleged offender.
- Ongoing training of criminal justice professionals on Code of Criminal Procedure Article 46B, with special emphasis on post incompetency legal requirements.
- Reasonable accommodations at all stages of criminal proceedings to assist the individual to understand and participate in the proceedings and their defense.

The Council recognizes that early intervention, due process protections, assistance and reasonable accommodations to participate in legal proceedings are overlapping components of a system that is responsive to the needs to people with disabilities and that these components must be available to victims, suspects or witnesses at all stages of the individual's involvement in the criminal justice system.

Approved May 9, 2014

¹Davis, Leigh A. People with Intellectual Disabilities in the Criminal Justice System: Victims & Suspects.2009. Retrieved October 1, 2012 from <http://www.thearc.org/page.aspx?pid=2458>

Attachment 8



Service Coordination Position Statement

The Texas Council for Developmental Disabilities supports the position that the full inclusion and participation of people with disabilities in community life requires that individuals be aware of the services and supports available, that they have an array of service and support options from which to choose, and most importantly, that they have the central role in planning and directing their own future. These goals are most readily achieved when individuals and their families receive the benefit of effective, conflict-free service coordination.

Service coordination involves assisting individuals through planning, coordinating, locating, accessing and monitoring services and supports that will result in an optimal quality of life and level of community participation. It is the responsibility of the service coordinators to serve as advocates for the individuals and their family and provide support for people who are receiving services to advocate for themselves. Service coordination should be viewed as a distinct benefit available to people with disabilities who require assistance, information and advocacy to obtain access to various services and supports to participate fully and be fully included in their communities.

The Council supports the position that service coordination should be independent from service delivery such that, the service coordinator is free from conflict of interest, and independent or separate from the direct delivery of and/or payer of other services received by the individual and/or family. Service coordinators who are employees of public or private agencies, family members or individual contractors should be independent from conflict of interest. An independent service coordination structure also enables service coordinators to maintain the integrity of their advocacy role. Individuals should be able to choose a qualified service coordinator.

Service coordination must be available on an ongoing basis and support individual(s) rights to:

- access or refuse specific services and supports, as desired;
- develop their own service plan;
- request alternate services and supports, providers or service coordinators; and
- appeal decisions made about the services and supports they receive.

Access to service coordination should be available as necessary and upon request to all persons with disabilities who have functional needs for an array of services and supports. Eligibility should not be based on specific diagnosis. Service coordination must be readily accessible and must have sufficient staff to provide assistance to individuals in a timely and responsive manner. Service coordination should be provided by one person who:

- is committed;
- is well trained;
- is culturally competent;
- serves a reasonable number of individuals; and
- spends most of the time in support and coordination activities.

It is the responsibility of the service coordinator to: (1) advocate on behalf of the individual; (2) help the individual become empowered to act on his or her own behalf; and (3) support the right of that individual to make decisions and to take risks based on informed choice and individual goals and values.

Service coordinators should: (1) be knowledgeable about public and private resources; (2) be creative in their ability to make public and private supports and services work to meet individual needs; and (3) serve a facilitative role in bringing individuals, families and providers together. While service coordinators should be available to assist and consult with providers to ensure services are delivered, they also have a responsibility to monitor the quality of services and supports received.

Approved May 9, 2014

**COMMITTEE OF THE WHOLE
DRAFT MINUTES
MAY 8, 2014**

COUNCIL MEMBERS PRESENT

Mary Durham, Council Chair
Hunter Adkins
Kimberly Blackmon
Kristine Clark
Gladys Cortez
Kristen Cox

Stephen Gersuk
Jeff Kaufmann, DADS
Sara Kendall, DARS
Diana Kern
Scott McAvoy
John Morris

Dana Perry
Penny Seay, UT CDS
Amy Sharp, A&M CDD
Cindy Swain, TEA
David Taylor
Lora Taylor

COUNCIL MEMBERS ABSENT

Andrew Crim
Mateo Delgado
Mary Faithfull, DRT

Manda Hall, DSHS
Cindy Johnston
Richard Tisch

Susan Vardell
Nancy Walker, HHSC

STAFF MEMBERS PRESENT

Roger Webb,
Executive Director
Martha Cantu
Belinda Carlton

Joanna Cordry
Cynthia Ellison
Sonya Hosey
Wendy Jones

Erin Lawler
Jessica Ramos
Koren Vogel

GUESTS PRESENT

Gina Fuller
Amber Jones
Andrea Lynn

Marcia Lynn
Susan Maxwell
Thelma Scott

Maya Vega
Norma Westurn
Paul Westurn

CALL TO ORDER

The Committee of the Whole of the Texas Council for Developmental Disabilities convened on Thursday, May 8, 2014, in the Hill Country B Room of the Holiday Inn Austin Midtown Hotel, 6000 Middle Fiskville Rd, Austin, TX 78752. Council Chair Mary Durham called the meeting to order at 9:00 AM.

1. INTRODUCTIONS

Council members, staff and guests introduced themselves.

2. PUBLIC COMMENTS

Public comments were offered by Thelma Scott to promote the upcoming “Walk & Roll” fund-raising and disability awareness event. She also discussed the activities of the Barbara Jordan Endeavors Foundation. Comments were also received from Andrea and Gary Lynn about the Gary Lynn Foundation. Lynn is a college student with cerebral palsy asked about funding options for his organization to enable him to do public speaking engagements. It was explained that funding for Council projects is provided to implement state plan goals and objectives and that Lynn was welcome to apply for those projects.

3. CHAIR AND EXECUTIVE DIRECTOR REMARKS

Chair Durham discussed expected Council member absences to include Andy Crim, Mateo Delgado, Cindy Johnston, Rick Tisch, Susan Vardell, Mary Faithfull (DRTx) and Manda Hall (HHSC) with Jeff Kaufmann (DADS) absent for Thursday morning only.

Durheim noted that she, Andy Crim, Hunter Adkins, Executive Director Roger Webb, Public Policy Director Jessica Ramos and Grants Management Specialist Susan Mihalik are scheduled to attend the NACDD conference and AIDD Technical Assistance Institute in Washington DC, July 7-9, 2014.

Chair Durham presented a longevity award to Roger Webb for 30 years of service to TCDD and commended his efforts on behalf of Texans with disabilities as well as his value to DD Councils across the country. Webb acknowledged Barbara Booker for 15 years of service to TCDD and recognized Martha Cantu for 5 years of service.

4. PRESENTATION: CENTRO DI MI SALUD OUTREACH AND DEVELOPMENT PROJECT

Grants Management Specialist Cynthia Ellison introduced Norma Westurn, project manager of Centro di Mi Salud, who provided a presentation on this Dallas-based Outreach and Development project. Three goals of the project include helping the community understand people with disabilities of different cultures, helping providers understand Latino cultural background and how it impacts a person's decision to access services, and helping to educate Latinos that encounter cultural barriers when accessing services. The grantee collaborated with several organizations including Dallas Independent School District, Garland Independent School District, Oak Cliff Cultural Center and Nexus, which is a substance abuse treatment center for women. Successes include positive feedback on presentations to Nexus and other providers as well as participants at the presentations who reported better access to services. The grantee provided presentations to 160 educational groups and 26 community outreach centers.

5. GRANT PROJECT HIGHLIGHTS

Grants Management Specialist Wendy Jones provided highlights of the Region 17 Education Service Center Families in Schools project. The purpose of this project is to recruit, engage, empower, and support families of children with special needs to become involved with their child's public school. During the first year of the project, the grantee reached families in four school districts: Slaton, Wilson, Roosevelt and Southland. The grantee first conducted a needs assessment to determine conflicts and barriers to services within each district and then provided training for family members as well as students based on the unique needs of each district. Participants also attended statewide conferences such as Building Strong Families and Inclusion Works for additional training. Participating districts report that the school climate is more inclusive of family involvement and parents have increased expectations for their students.

TEA representative Cindy Swain provided an update on efforts to address bullying, the stigma of mental illness and suicide prevention in schools. The State Board of Education (SBOE) has appointed a large committee to study curriculum to address mental health issues. In response to Senate Bill 460, which requires all school administrators, teachers, and para-professionals to be trained in mental health issues and suicide prevention, the SBOE committee recommends a 2-hour online training from Texas Tech University. Swain also reports that TEA is collaborating with other health and human services agencies to informally address mental health issues and determine where outreach efforts are duplicated or may be lacking.

6. PRESENTATION: AUSTIN SSLC TRANSITION EFFORT

Public Policy Director Jessica Ramos introduced Maya Vega and Amber Jones of Austin-Travis County Integral Care (ATCIC) who provided a presentation on the Austin State Supported Living Center (SSLC) Pilot for Community Transition. In June 2012, the Texas Council of Community Centers in collaboration with ATCIC, Bluebonnet Trails and Hill Country local authorities submitted an invited proposal to the Texas Department of Aging and Disability Services (DADS) to enhance local authority support for people to successfully transition from Austin SSLC to homes in the community. The proposal was accepted in July 2012 and preliminary work began on the project in August through September of 2012. Transition efforts for residents began in September 2012. Vega reported that expectations to move residents in 90 day time frames were found to be difficult to achieve. She also reported that turnover of DADS staff was an obstacle to the program. Vega reported that these barriers to the project caused them to refocus their efforts from a larger number of residents who would transition to the community to the success of the smaller number of residents who were able to move. Efforts were focused on building capacity in the community to meet the needs of the individuals, especially individuals with dual diagnoses of intellectual disabilities and mental health issues.

Vega noted that that the overall census at Austin SSLC has reduced from 337 in August 2012 to the current number of 278. 35 individuals have transitioned to the community and 25 more are currently referred for community placement. No one has returned to the SSLC after transitioning out. Vega credits tremendous community support and collaboration from local authorities. She noted that the goal is for this pilot program to become permanent and added that increased staff are needed to do the research necessary to determine the needs of the individual.

She noted that challenges to the programs include changes in leadership at DADS, employee turnover at Austin SSLC, families and staff fear of the unknown for the individual and the slow pace of the transition efforts for each individual. Vega provided stories of specific individuals and their families and support systems. She also showed a video that is being produced to tell stories of individuals who are transitioning to the community. TCDD has provided funding for the production of this video.

7. TCDD 2017-2021 STATE PLAN DISCUSSION

TCDD Planning Coordinator Joanna Cordry presented examples of visual representation of information that could be used in the development of the 2017-2021 State Plan. While the examples were not specific to TCDD activities, they showed how images and words could be used to communicate information in a manner that is more accessible than text alone. Examples included graphs, pictures, road maps and other images that included minimal text. Council members indicated that they found the images to be appealing and felt it would be productive to incorporate visuals into the State Plan in addition to the text of the goals and objectives.

ADJOURN

Council Chair Durham adjourned the Committee of the Whole adjourned at 1:18 PM.

Roger A. Webb
Secretary to the Council

Date