

Background:

The Council will review the minutes from the November 7, 2014, Council meeting and November 6, 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 August meetings.

**COUNCIL MEETING
DRAFT MINUTES
NOVEMBER 7, 2014**

COUNCIL MEMBERS PRESENT

Mary Durham, Council Chair	Stephen Gersuk	Penny Seay, UT CDS
Hunter Adkins	Manda Hall, DSHS	Amy Sharp, A&M CDD
Kimberly Blackmon	Jennifer Kaut, DARS	Cindy Swain, TEA
Kristine Clark	Penny Larkin, DADS	David Taylor
Gladys Cortez	Ruth Mason	Lora Taylor
Kristen Cox	Scott McAvoy	John Thomas
Andrew Crim	Michael Peace	Rick Tisch
Mary Faithfull, DRT	Brandon Pharris	April Young, HHSC

COUNCIL MEMBERS ABSENT

Mateo Delgado	Diana Kern	Dana Perry
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STAFF MEMBERS PRESENT

Roger Webb, Executive Director	Celina Galvan	Fernando Rodriguez
Martha Cantu	Cynthia Ellison	Joshua Ryf
Belinda Carlton	Linda Logan	Koren Vogel
Joanna Cordry	Jessica Ramos	

GUESTS PRESENT

Ivy Goldstein, DSHS	Darryl Powell	Carrie Warner
Ayaan Musa	Leah Seyoum-Tesfa	

CALL TO ORDER

The Texas Council for Developmental Disabilities convened on Friday, November 7, 2014, in the Salon A Room of the Marriott Austin South Hotel, 4415 South IH-35, Austin, TX 78745. Council Chair Mary Durham called the meeting to order at 8:36 AM.

1. INTRODUCTIONS

Council members, staff and guests were introduced.

2. PUBLIC COMMENTS

No public comments were offered to the Council.

3. CONSENT ITEMS

Council members reviewed minutes of the August 2014 Council and Committee of the Whole meetings and no corrections were offered. Chair Durham reviewed excused absences for the meeting to include Mateo Delgado, Diana Kern and Dana Perry.

MOTION: To approve the minutes of the August 8, 2014, Council meeting and August 7, 2014, Committee of the Whole meeting and the excused absences as noted.

MADE BY: Andy Crim

SECOND: Scott McAvoy

The motion **passed** unanimously.

4. CHAIR'S REPORT

Chair Durham reviewed Council member appointments made by Governor Perry's office on October 9, 2014. John Thomas, a self-advocate from Abilene, was appointed to replace Joe Rivas for a term to expire in 2017. Ruth Mason, a parent advocate from Houston, was appointed to replace Susan Vardell for a term to expire in 2019. Michael Peace, a self-advocate from Poteet, was appointed to replace John Morris for a term to expire in 2019. Brandon Pharris, a self-advocate from Beaumont, was appointed to replace Cindy Johnston for a term to expire in 2019. Andrew Crim, Mateo Delgado, Stephen Gersuk and Lora Taylor were re-appointed to terms to expire in 2019. All new members have attended orientation and are eligible to vote. Durham also noted that John Thomas has agreed to serve on the Audit Committee.

5. EXECUTIVE DIRECTOR'S REPORT

Executive Director Roger Webb discussed Sunset Commission recommendations for TCDD. Sunset staff have recommended continuing TCDD as an agency in state law until 2027 and recommend that TCDD monitor sustainability of grant projects after TCDD funding ends. Members asked about public input to rename the agency the Texas Council on Disability Issues. Webb noted that while issues related to developmental disabilities are oftentimes similar to issues for individuals with other disabilities, funding is provided by the DD Act for DD Councils that focus on developmental disability issues. The Sunset Commission did not recommend a name change for TCDD at this time.

Webb next reviewed the recent Strategic Fiscal Review required by the Legislative Budget Board (LBB). As part of the budget preparations for the 2015 legislative session, state agencies were asked to provide performance measures for work in fiscal years 2010 – 2014 with projections for fiscal years 2015 – 2017. Operations Director Martha Cantu and other staff developed considerable information.

Webb discussed the opportunity for Council members to make legislative visits during February 2015 meetings. Public Policy staff will coordinate with members during the quarter regarding issues and policy priorities as well as the logistics for visits to the Capitol. Webb reviewed that members who wish to discuss topics not on the TCDD priorities/platform may do so. However, if those topics are not consistent with the Council positions the member is really doing separate business from the Council and would be expected to share travel expenses with TCDD.

5. GRANTEE PRESENTATION: REACH OUTREACH AND DEVELOPMENT PROJECT

TCDD Grants Management Specialist Cynthia Ellison introduced Leah Seyoum-Tesfa and Ayaan Musa of REACH which is an Outreach and Development project in Dallas, Collin and Tarrant counties that works with East African (Ethiopian, Eritrean and Somali) families of children with disabilities, primarily autism. The grantee holds monthly meetings for families as well as phone/email contact with other families to teach leadership and advocacy skills. Grantee staff attend ARD meetings, provide case management, accompany families to medical visits, and provide resources as well as counseling and support. Staff spoke at community awareness events, coordinated social events and developed organizational binders to help families coordinate services. Challenges for the project included addressing social stigma of disabilities as well as bridging the differences in religious and cultural communities.

7. SELECTION OF NOMINATING COMMITTEE MEMBER

Chair Durham provided the responsibility of the Nominating Committee charge to bring forward recommendations at the February meeting for the Council Vice-Chair and the Consumer (Self-Advocate) Member-at-large to the Executive Committee. Durham reviewed Council policies that do not set term limits for the Consumer Member-at-large to the Executive Committee but limit the Vice-Chair to two serving consecutive terms. Vice Chair Andy Crim is serving in his second term and not eligible for another term per this provision. Durham also noted that members of the Nominating Committee could not nominate themselves for either position. State agency representatives are eligible to serve on the Nominating Committee but not eligible to serve as Vice-Chair. Durham added that each standing Committee appoints a member to the Nominating Committee and the third member is selected from the Council. Project Development Committee Chair Gladys Cortez reported that David Taylor was selected from that Committee and Public Policy Committee Chair Kristen Cox reported that Hunter Adkins was selected from that Committee. Council member Rick Tisch nominated Kristine Clark as the third member and she was accepted by acclamation.

MOTION: To suspend for one year the Council policy limiting the Vice-Chair to serving no more than two consecutive terms.

MADE BY: Gladys Cortez for the Project Development Committee

SECOND: Scott McAvoy

Cortez reported that the Project Development Committee discussed this policy and given the number of new members to the Council, the current Sunset Commission Review, and the uncertainty of the Chair's position since Durham is serving in a hold-over capacity, the Committee thought it prudent to allow the Nominating Committee to consider Crim in addition to other members for this position. Cortez clarified that this is recommendation is not intended to pre-determine Crim as the nominee but it leaves the option open for that consideration. Webb added that many Council members have felt that the extra time required to serve as Vice-Chair (as well as Audit Committee Chair) is not something to which they are able to commit.

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

Durham reminded members who are interested in either position to contact Nominating Committee members and submit their name. Crim added that he is happy to discuss the responsibilities of the position with anyone who may be interested.

8. CONSIDERATION OF TCDD INTERNAL AUDITOR

Audit Committee Chair Andy Crim welcomed Lora Taylor and John Thomas as new members of the Audit Committee. He reminded members that TCDD Internal Auditor Jaye Stepp has resigned from Rupert and Associates and that firm no longer has staff to provide internal audit services to TCDD. Applications for internal audit services were solicited through the Texas Multiple Award System (TXMAS) and the firm of Weaver and Tidwell, LLC submitted a proposal. The firm was interviewed by staff and members of the Audit committee and found to have a good proposal. The new auditor will develop the TCDD Audit Plan for FY 2015.

MOTION: To accept Weaver and Tidwell, LLC as the internal auditor for TCDD

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

The motion **passed** without opposition. John Thomas abstained from voting.

9. STATE PLAN PROGRESS AND SUGGESTED NEXT STEPS

Project Development Committee Chair Cortez reported that the Committee discussed the TCDD State Plan Goals and Objectives and did not wish to make amendments at this time.

MOTION: To accept the current TCDD State Plan without revisions.

MADE BY: Gladys Cortez for the Project Development Committee
(Motions from a Committee do not need a second)

The motion **passed** unanimously.

10. FUTURE ACTIVITIES FOR STATE PLAN IMPLEMENTATION

Cortez reported on Project Development Committee discussion on the Executive Summary for Support for Expenses for Research on Disability-Related Topics.

MOTION: To approve funding for Support for Expenses for Research on Disability-related Topics for up to 3 projects at \$25,000 per year for up to five years.

MADE BY: Gladys Cortez for the Project Development Committee
(Motions from a Committee do not need a second)

Planning Coordinator Joanna Cordry further explained the proposed project noting the intent is to provide assistance to students working on disability related topics which would result in data collection that TCDD could use in developing state plan goals and objectives. Members discussed the requirement of universities to collect 15-20% of grant funding in administrative fees. It was noted that as part of the RFP, TCDD could ask for “no indirect costs” or limit those costs to 10%.

The motion **passed** without opposition. Andy Crim abstained from voting. (Attachment 1)

Cortez reported that the Committee discussed Future Project Funding Priorities suggested adding the new project.

MOTION: To add Support for Expenses for Research on Disability-related Topics as #7 on the Future Project Funding Priorities list.

MADE BY: Gladys Cortez for the Project Development Committee
(Motions from a Committee do not need a second)

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

11. REVISIONS TO TCDD POSITION STATEMENTS

Public Policy Committee Chair Kristen Cox reported that the Committee did not take action on the Community Living Position Statement. Revisions to the Access to Health Care Position Statement are recommended as presented. Revisions to the Education Position Statement are recommended as presented but additional input was provided just prior to the meeting so this statement will be reviewed again in February. Revisions to the Right to Privacy Position Statement are also recommended with one additional revision to those presented.

MOTION: To approve revisions to the Access to Health Care, Education and Right to Privacy position statements as presented.

MADE BY: Kristen Cox for the Public Policy Committee
(Motions from a Committee do not need a second.)

The motion **passed** without opposition. April Young, Manda Hall and Michael Peace abstained from voting. (Attachments 3-5)

12. TCDD BIENNIAL DISABILITY REPORT RECOMMENDATIONS

Public Policy Committee Chair Cox reported that the Committee recommends acceptance of the Biennial Disability Report Recommendations as presented. She reviewed the recommendations which include rebalancing the long-term care services systems with cost-effective policies to provide for community inclusive opportunities, developing strategies to prevent unnecessary placement of children in state supported living centers, and addressing the direct support workforce shortage.

MOTION: To accept Biennial Disability Report Recommendations as presented.

MADE BY: Kristen Cox for the Public Policy Committee

The motion **passed** unanimously. (Attachment 6)

13. EXECUTIVE COMMITTEE REPORT

Chair Durham discussed appeals of two funding decisions and indicated that the Executive Committee affirmed their previous decisions on appeals from Travis County and from Volar Center for Independent Living. Neither appellant showed procedural errors in the review process. And the TCDD appeals process is not intended as an opportunity to provide additional information that could have been provided in the original proposal. To do so creates a two-step review process and would require all other applicants to have the same opportunity.

Executive Director Webb reported on the extensive Committee discussion regarding the Building Community Capacity through Collaboration projects and decisions regarding projects from Volar Center for Independent Living, Texas Tech University and A Circle of Ten. Durham noted that the Committee approved names of potential reviewers to serve on review panels for proposals submitted to RFPs. Committee members did not have questions regarding the Quarterly Financial Reports from the provided materials.

The Executive Committee reviewed Council member and staff Conflict of Interest disclosures and found no concerns. It was noted that new members are submitting their disclosure forms but that Ruth Mason is verbally reporting her employment with Disability Rights Texas (DRT) at this time.

Durheim noted that Committee assignments will be reviewed after new members have attended meetings of both committees. However, Ruth Mason will be assigned to the Public Policy Committee due to her employment with DRT and the potential conflict for her to be on the Project Development Committee.

Durheim reviewed the Committee's discussion on succession planning procedures for the Executive Director position but noted that there is no current plan for Webb to vacate this position. The Committee reviewed key job functions and the knowledge, skills and abilities required for the position. The Committee also discussed potential interview questions as well as the process for conducting interviews. Vice-Chair Crim noted that this is a prudent exercise to have procedures ready and will reduce the time needed to fill the position if needed. Webb commented that other DD Councils have had issues filling the position in a timely fashion. Should the need occur, Chair Durheim will appoint a transition committee with two members of the Executive Committee and two members from the Council. Recruiting will be done as a nation-wide search.

15. AUDIT COMMITTEE REPORT

Audit Committee Chair Crim again noted that the new auditor will develop the Audit Plan for FY 2015. This is expected to be presented at the February Council meeting.

16. PROJECT DEVELOPMENT COMMITTEE REPORT

Project Development Committee Chair Cortez had no further items to report.

17. PUBLIC POLICY COMMITTEE REPORT

Public Policy Committee Chair Cox reported that the Committee received policy updates on agency Legislative Appropriations Requests, health and human services agencies Sunset Commission reviews, and TCDD input on agency rule development.

The Committee also had preliminary discussion on the topic of medical marijuana as a treatment for seizure disorders and autism and will discuss this further at the February meeting. Webb noted that material on this issue is provided in handouts and Council Member Lora Taylor reported on her recent research and discussions on this topic noting that current studies are being conducted at Texas Children's Hospital. She expects it to be addressed in the upcoming legislative session.

18. ANNOUNCEMENTS AND UPDATES

Council members discussed dates of future meetings February 4-6, 2015, at the Holiday Inn Austin Midtown, May 6-8, 2015, and August 5-7, 2015. Dates for the fall meeting are tentatively scheduled for November 4-6, 2015, pending hotel availability.

Members expressed their appreciation for TCDD's increased social media presence and Communications Coordinator Joshua Ryf was recognized for these efforts.

ADJOURN

Council Chair Durheim adjourned the meeting at 10:43 AM.

Roger A. Webb
Secretary to the Council

Date

Attachment 1

Executive Summary

Support for Expenses for Research on Disability-related Topics

Project Goal

State Plan Goal 7, Objective 2, Activity 3: Support the Council to develop and fund projects to explore innovative ideas and/or provide timely solutions to emerging needs, as funds allow.

Proposed Funding Amount

Up to \$25,000 per year per proposed research project for research-related expenses, accommodations for self-advocates, and stipends for self-advocates or stakeholders who could not otherwise participate, for up to 3 projects.

Proposed Duration

Up to five years per project.

Background

TCDD's FY 2012-2016 State Plan notes that additional, as-yet-unavailable data may be needed to better understand complex issues, to develop innovative solutions to existing problems, and to enable TCDD to evaluate the degree to which its activities result in improving the lives of people with developmental disabilities. For example:

- The state does not routinely gather specific data regarding individuals who have developmental disabilities and are not receiving the services and supports they need to be included in their community. In 2010, TCDD surveyed a sample of individuals who were on the interest list for CLASS, HCS, or both. Survey responses were received from 1,922 people. Responders provided some demographic information and answered questions regarding what services they were receiving, what prompted them to sign up on an interest list, which service from a list of available services they would want first if offered, and when they expected their service needs to change. The data informed the TCDD 2010 Biennial Disability Report and recommendations. Additional data regarding needs can benefit TCDD in both capacity building and advocacy efforts.
- TCDD is aware that people who are ethnic and racial minorities and people living in rural areas are generally more likely to be unserved or underserved. Through the Outreach and Development grants and other outreach efforts, TCDD is more aware of some of the attitudinal and practice barriers preventing some individuals who strongly identify with an ethnic or racial minority group from receiving appropriate services. However, to fully understand how widely these barriers are experienced and whether or not the barriers are being addressed effectively, TCDD would need data collected from across the state.
- Younger individuals with developmental disabilities who grew up attending their neighborhood schools and being included in their communities may have had significantly different experiences than older individuals who generally had less support. However, TCDD rarely receives input from individuals in their teens and twenties. Having better information about the experiences and world views of this younger group could help TCDD to effectively reach out to

and attract young self-advocates to be involved in advocacy activities. It would also enable TCDD to better foresee and plan for the types of opportunities that adults will want in the future.

- The evaluation of certain activities in the State Plan would be best performed by independent researchers. Examples include an evaluation of Higher Education programs that prepare individuals with developmental disabilities for careers (Activity 3 under Objective 2.1); activities to evaluate TCDD's leadership and advocacy programs (Goal 6); and possibly activities to respond to the recommendation of the Sunset Commission staff to conduct ongoing evaluation of grant projects for 3-5 years after completion of funding from TCDD.

These types of data collection activities are generally beyond TCDD's existing staff resources, as is independent research that could result in the development of new, innovative models for providing services and supports.

At the May 2014 Project Development Committee meeting, Committee members expressed interest in providing funds to support research-related expenses for students working on disability related topics if that research would further inform the Council's Goals and Objectives. The Committee felt that various data collection activities would be useful. The Committee also noted that supporting students who are interested in disability-related topics might encourage new researchers to focus on disability issues in their future careers. TCDD staff have developed this idea further, taking into account some barriers that would make the activity, as originally envisioned, unwieldy:

- "Grants" cannot be awarded to individuals.
- TCDD can contract with individuals. However, contracts are reimbursed after expenses are incurred (no advancing of funds) which likely would be difficult for students on limited budgets.
- Awarding a grant to an organization that is not closely connected to the student's school to disburse funding to individuals for research might result in insufficient technical oversight of student research.

TCDD staff recommend awarding TCDD grant funds to academic programs that are willing to support faculty advisors to provide oversight of student work. That support would be considered a "matching contribution," although TCDD may not be able to capture the support as "match." TCDD funds could be used for research-related expenses, stipends or accommodations for a self-advocate to serve as an advisor or colleague to work with the students, and stipends to support the participation of other stakeholders who tend to be underrepresented in the type of research being done, if stipends are necessary to allow that involvement.

Expected Outcome

Products expected from the project include a final report that provides a thorough explanation of the background, methodology, conclusions, and limitations of the research.

In addition to the products, the primary outcome of these particular projects would be increased knowledge of at least one specific issue of importance to the Council, resulting in improved decision-making.

Other potential outcomes would include potential changes to students' perceptions of the benefits of collaborating with individuals who have developmental disabilities on research projects.

Project staff would be expected to report on the following Administration on Intellectual and Developmental Disabilities Performance Measure:

SA01 People trained in area related to goal/objective.

Project Description

TCDD funds will support at least one university, college, technical school, or professional school located in Texas to oversee research projects related to TCDD State Plan Goals and Objectives. Each project must include at least two researchers, one of whom must be a student and one of whom must be an individual with a developmental disability. There would be no upper limit on the number of researchers who may be involved in the project, and preference would be given to projects that will involve a number of students in a group project, as this would enable a larger number of students to be exposed to work that supports the Council's mission and might result in encouraging several students to consider further work or employment that benefits people with developmental disabilities.

Research must be directly related to an existing State Plan Goal and Objective, be conducted in a manner that is consistent with the mission and positions of the Council, and adequately address and/or identify disparities or disproportionalities. It must also provide TCDD with new information about:

- best practices in providing services and supports to individuals with developmental disabilities, including best practices in promoting self-advocacy, leadership and self-determination;
- the needs of Texans with developmental disabilities and their families;
- the direct experiences of individuals who have developmental disabilities; or
- TCDD's success or failure to create systems change.

If approval by an Institutional Review Board is required, the program receiving the grant funds and the faculty providing oversight would be responsible for obtaining approval. Funding for activities may be withheld if approval is not obtained.

TCDD would allow funds to be used to support stipends for researchers who are also stakeholders if needed; accommodations for individuals with developmental disabilities (including expenses for an attendant); transportation, meals, and lodging for research-related travel; equipment and materials to support implementation of surveys, interviews, or focus groups; expenses related to processing and analysis of data; or indirect costs of the sponsoring organization per TCDD policies. Other expenses may be approved if required for project activities.

Other Considerations

TCDD may either stipulate what the topic of the research might be or allow researchers to propose topics.

Attachment 2

TCDD Future Funding Activities Priority List

As of August 8, 2014

#	Organization/Activity	Possible Projects	Funding "Up To"	Council Approved	Expected RFP Post	Expected Start	Expected End
N/A	Outreach & Development Projects – 2.0 Projects for up to 18 months	5/yr	\$10,000/project	10/25/13	TBD	FY 14-16	Variable
N/A	Developmental Disability Policy Fellows Program Award up to 2 two-year Fellowships in each of Year 1 and Year 2 up to 3 yrs.	1	Year 1 up to \$135k Year 2 up to \$270K Year 3 up to \$135K	8/09/13	2/21/14 1/16/15	8/1/14 7/1/15	5/31/16 5/31/17
1.	Targeted Online Training up to 2 yrs.	Up to 12 Webinars/ podcasts	*\$10K for "set up" \$15K/yr for products	8/08/14	NA	12/1/14	8/31/16
2.	Understanding Employment Options and Supports Conference up to 2 yrs.	1	\$150,000/yr.	10/25/13	12/01/14	6/01/15	5/31/17
3.	Culturally Competent Family Support up to 4 yrs.	5	\$75,000/yr.	5/03/13	12/01/14	6/01/15	11/30/18
4.	Leadership Development and Advocacy Training up to 5 yrs.	4	*\$75,000/yr.	8/08/14	TBD	TBD	TBD
5.	Partnership with African American Clergy to Support Families up to 5 yrs.	1	\$75,000/yr.	5/03/13	N/A	TBD	TBD
6.	Accessible Transportation Project Year 1 -3 funding up to \$150k; Year 4 up to \$125k; and Year 5 up to \$100k up to 5 yrs.	1	\$150,000/yr.	10/25/13	TBD	TBD	TBD
N/A	Accessible Parking Awareness Campaign Phase 2 – two proposals to be reviewed by TCDD November 2014 (TBD if interested)	TBD	TBD	TBD	N/A	TBD	TBD
N/A	Support for Full Participation of Self-Advocates on Workgroups up to 1 yrs.	1	\$50,000/yr.	8/09/13	N/A	9/1/13	8/31/14

1. Up to \$10K for development of the template and guide; up to \$15K per year, for development of up to 12 products using the template

4. Additional funding may be made available to provide reasonable accommodations.

Legend	Open RFP or Proposals received are under review at time of printing.
	Proposals have been approved, awarded or project is in process of beginning since last Council meeting.

Attachment 3

Access to Health Care

Draft Position Statement

The Texas Council for Developmental Disabilities supports the position that all people, regardless of their disability, age, or ability to pay, should have access to affordable, comprehensive health care. TCDD supports healthcare initiatives and efforts to increase the access and affordability of health insurance for everyone.

The Texas Council for Developmental Disabilities support the expansion of Medicaid for Texas under the federal Affordable Care Act. The expansion would have covered an additional 1.2 million Texans by 2016. We support the position that in any consideration of changes to the healthcare financing and delivery system in the United States, the well-being of the patient must be the highest priority. The Council strongly supports the reform measures and principles set forth in this statement as providing individuals consistent access to patient centered, timely, unencumbered, affordable and appropriate health care and universal coverage while maintaining physicians as an integral component to providing the highest quality treatment.

The Council supports the position that as policymakers considers healthcare reforms they should:

- Ensure patients are empowered to control and decide how their own healthcare dollars are spent;
- ~~Eliminate pre-existing condition exclusions;~~
- Ensure unencumbered access to specialty care;
- Make healthcare coverage more affordable;
- Improve value and increase quality on our healthcare system;
- Extend both coverage and access for the uninsured and under-insured;
- Avoid establishing new unsustainable programs;
- Provide comprehensive, culturally and linguistically appropriate behavioral and mental health services and supports;
- Provide services in the context of a patient centered medical home, where the clinician works in partnership with the individual and/or family to ensure that all of the medical and nonmedical needs of the person are met;
- Ensure that children and adults with behavioral and/or mental health concerns have access to screening, diagnosis and treatment that is not subject to arbitrary limits on coverage and integrated into the broader healthcare system;
- Ensure that people with disabilities of all ages and their families have access to health care that responds to their needs over their lifetimes, and provides continuity of care that helps treat and prevent chronic conditions;

- Ensure that people with disabilities and their families receive comprehensive health, rehabilitation, and long term support services provided on the basis of individual need, preference, and choice;

(Continued)

- Ensure that people with disabilities and their families have equitable and affordable access to health coverage programs and not be burdened with disproportionate costs;

The Council is concerned about proposals to block grant Medicaid because people with disabilities are especially vulnerable to reductions in Medicaid spending since they typically require more health services and long term supports that call for deep reductions in Medicare and Medicaid payments.

Reforms are necessary to strengthen the current Medicaid program so that it provides accessible, high-quality healthcare services to people with disabilities enrolled in the program; with examples changes that include, but are not limited to, evidence-based practices and payment structures that attract providers.

Reviewed May 3, 2012



Education Draft Position Statement

~~All people with disabilities in Texas should have the opportunity to achieve their maximum potential for independence, productivity and integration into the community. Education is a lifelong learning process which is vital to attaining a full and complete life. The postsecondary results of an appropriate public school education for students with disabilities should be evidenced by employment, enrollment in postsecondary education, or both within one year of leaving exiting high school.~~

Comment [COU1]: "Leaving" sounded too much like dropping out and of course graduation is not always the final outcome.

The Texas Council for Developmental Disabilities supports the position that ~~It is therefore the position of the Texas Council for Developmental Disabilities that~~ all students, have a right to learn, play and work with students their own age, with and without disabilities, in the same schools, classrooms and other educational programs attended by their brothers, sisters and neighbors, and that schools, classrooms and programs must be both physically and programmatically accessible to all students. It is the position of the Council, as well as the policy of the state, that all children should be treated with dignity and respect when addressing their behavioral and disciplinary needs.

All students regardless of individual needs must be provided with individualized appropriate instruction, research-based positive behavioral interventions and supports, access to the general curriculum, and related services in the least restrictive environment. Related services include but are not limited to adaptive aids, assistive technology, modifications, therapies and supplementary aides. The delivery of individually appropriate instruction and related services must be provided by qualified teachers and service providers with administrative support and opportunities for continued ~~and~~ ongoing professional development in all areas of identified need. ~~It is the position of the Council, as well as the policy of the state, that all children should be treated with dignity and respect when addressing their behavioral and disciplinary needs.~~

~~All people with disabilities in Texas should have the opportunity to achieve their maximum potential for independence, productivity and integration into the community. Education is a lifelong process which is vital to attaining a full and complete life. The postsecondary results of an appropriate public school education for students with disabilities should be evidenced by employment, enrollment in postsecondary education, or both within one year of leaving high school.~~

~~The Council supports the position that~~ Charter schools or schools accepting voucher payments must provide students the same educational rights and opportunities that they would be accorded in the public education system. The Council believes that schools that accept state money to educate students must accept any student with a developmental disability who may apply for admission to that school; abide by federal and state education laws that protect the rights of students with disabilities; abide by Section 504 of the Rehabilitation Act that requires any entity receiving federal funds to include people with

disabilities in its program, and accept any student at the state rate of payment asking for no additional tuition or fees beyond the normal fees required by the student's local education agency. If these criteria are not met, then the Council adamantly opposes publicly funded school vouchers and charter schools. The Council ~~is opposed~~ does not support ~~to~~ any initiative that would deplete funds from the public education system and ultimately from those funds available for the education of students with disabilities.

(Continued)

The ~~Council supports the position that~~ full inclusion of Texas students with disabilities should be approached as a value and underlying philosophy by which we educate all students. We believe that successful inclusion requires that teacher education programs prepare all educators and administrators to work with the full range of students in inclusive settings. Special education is not a separate educational system, but rather a service provided to people with specific needs within the general educational system. Professional preparation programs should emphasize the shared responsibility of all educators and administrators for every student.

~~The Council supports the position that~~ Full inclusion requires the ongoing, shared responsibility of students, parents, guardians, educators, administrators and the community at large.

~~It is therefore the position of the Texas Council for Developmental Disabilities that all students have a right to learn, play and work with students their own age, with and without disabilities, in the same schools, classrooms and other educational programs attended by their brothers, sisters and neighbors, and that schools, classrooms and programs must be both physically and programmatically accessible to all students.~~

Reviewed ~~July 26, 2012~~



Right to Privacy

Draft Position Statement

The Texas Council for Developmental Disabilities recognizes that people with disabilities have the same right to privacy as all people have in our nation. Confidentiality has historically been a cornerstone in providing services and medical care to people. The level of privacy protected under the Fourth Amendment of the U.S. Constitution is being challenged by the rapidly developing interactive technologies with a quickly emerging global information infrastructure.

In this age of the evolving information and communication technologies, the Council recognizes the positive role that the electronic media brings to the compilation and exchange of information. Our government agencies, businesses and non-profit agencies now have the advantage of quick exchange of information and the ability to gather and analyze massive amounts of information. This new capacity can help in streamlining business, reducing costs and ensuring appropriate services for people. However, this new capacity for data collection can also be used intentionally or unintentionally to the detriment of the people the government agencies serve. The Council supports the position that the following basic principles should be applied to all information data collection systems:

- ❑ Individuals, government entities, nonprofit organizations, and businesses have a shared responsibility for the secure use of personal information.
- ❑ Prior to the collection and dissemination of personal and identifiable information, each individual should be advised of:
 - the specifics of personal information to be collected and/or released;
 - the entity which is collecting the information and the entity to which the information will be released;
 - the purpose for which the information is to be collected and/or released;
 - the individual's legal rights to privacy and confidentiality of personal information;
 - the administrative procedures to follow to review personal information;
 - the process to remove, correct or add information that has been entered in a data collection system;
 - the avenues of recourse to recover damages in the case of improper use and/or disclosure of personal information; and
 - the degree of risk that personal information may be inadvertently collected by other entities through the electronic transmission processes.

(Continued)

- ❑ Those who obtain, possess or retain personal information should make efforts to ensure that such personal information is not inadvertently shared, obtained, or collected by unauthorized parties through the process of electronic data transmission.
- ❑ Directories of an individual's personal information should be used only as originally allowed by the individual. Personal identifiable information ~~which~~ may include: personal identity;
 - social security number;
 - religious, political or organizational affiliations;
 - employment; educational, medical, psychiatric, psychological, and financial status, and
 - legal history; and
 - family status ~~should be used only as originally allowed by the individual.~~

Reviewed ~~February 9, 2012~~

Attachment 4

Biennial Disability Report Recommendations

1. Rebalance the system that serves persons with intellectual and developmental disabilities by expanding cost-effective policies that honor the choices of individuals to live in the most integrated setting to meet their needs, identifying and providing supports and services to meet the needs of persons when and where they need them, and transferring the inevitable savings so that more persons with disabilities have the opportunity to be included in their communities.
2. Develop and implement strategies that address the needs of families in crisis to prevent the unnecessary placement of children in any institutional setting.
3. Address the current and looming direct support workforce shortage by collecting and analyzing trends regarding workforce demographics and wages, developing and promoting a peer support workforce, expanding consumer direction, and restructuring payment methodologies to ensure that the Texas Legislature has the ability to set direct service wages at levels commensurate with the value and scope of the service.

**COMMITTEE OF THE WHOLE
DRAFT MINUTES
NOVEMBER 6, 2014**

COUNCIL MEMBERS PRESENT

Mary Durham, Council Chair	Ivy Goldstein, DSHS	Penny Seay, UT CDS
Hunter Adkins	Stephen Gersuk	Cindy Swain, TEA
Kimberly Blackmon	Jennifer Kaut, DARS	David Taylor
Kristine Clark	Diana Kern	Lora Taylor
Gladys Cortez	Penny Larkin, DADS	John Thomas
Kristen Cox	Scott McAvoy	Richard Tisch
Andrew Crim	Michael Peace	
Stephen Gersuk	Brandon Pharris	

COUNCIL MEMBERS ABSENT

Mateo Delgado	Amy Sharp, A&M CDD	Nancy Walker, HHSC
Dana Perry	Ruth Mason	

STAFF MEMBERS PRESENT

Roger Webb, Executive Director	Cynthia Ellison	Jessica Ramos
Martha Cantu	Celina Galvan	Fernando Rodriguez
Belinda Carlton	Sonya Hosey	Joshua Ryf
Joanna Cordry	Linda Logan	Koren Vogel

GUESTS PRESENT

Beverly Boyd	Jeff Kaufmann	Amy Ransleben
Alyssa Enriquez	Harold Liller, OAG	Megan Sumbera
Amy Fawell	John Morris	Don Taylor
Cheryl Grenwelge	Pat Morse	Carrie Warner
Kathy Griffis-Bailey	Darryl Powell	

CALL TO ORDER

The Committee of the Whole of the Texas Council for Developmental Disabilities convened on Thursday, November 6, 2014, in the Salon A Room of the Marriott Austin South, 4415 South IH-35, Austin, TX 78745. Council Chair Mary Durham called the meeting to order at 10:50 AM.

1. INTRODUCTIONS

Council members, staff and guests introduced themselves.

2. PUBLIC COMMENTS

Public comments were provided by Amy Fawell, president of Mothers Advocating Medical Marijuana for Autism (MAMMA). Fawell feels this is an important emerging issue for treatment for people with seizure disorders and autism and expects legislation to be introduced during the upcoming session. Fawell offered herself as a resource to answer Council member questions.

3. CHAIR AND MEMBER UPDATES

Chair Durham welcomed new members who were appointed by the Governor on October 9, 2014. John Thomas was appointed to a term ending in 2017. Ruth Mason, Brandon Pharris and Michael

Peace were appointed to terms ending in 2019. Andy Crim, Mateo Delgado, Stephen Gersuk and Lora Taylor were also reappointed for terms to end in 2019. Executive Director Roger Webb clarified for members whose terms expire on February 1, 2015, that if appointments or re-appointments are not made before the end of their term, members continue to serve in a “holdover” capacity. Webb noted that appointments to the Council are not usually made during the legislative session since Council appointments do not require Senate confirmation. He does not expect new appointments until summer or fall 2015 but it is unknown how the new Governor’s office will handle business.

Durheim and Webb presented plaques to out-going Council members Kathy Griffis-Bailey, Jeff Kaufmann and John Morris, thanking them for their service to Texans with disabilities.

Durheim discussed membership to the Public Policy and Project Development committees. Kristine Clark has requested to move to the Public Policy Committee. New Council members will attend one committee meeting this quarter and the other committee next quarter, then Durheim will evaluate requests for membership to the respective committees.

Durheim discussed the process to select members for the Nominating Committee that will present nominations at the February 2015 meeting for Council Vice-Chair and the Consumer (Self-Advocate) Member-at-large to the Executive Committee. Durheim noted that the coming year may be somewhat challenging in that TCDD is going through the Sunset Review process, there are several new members to the Council and she is serving in a “holdover” capacity from 2011. While it is unlikely that she would be replaced during the next year, it is a possibility. Durheim asked members to consider suspending the provision in Council Policies that limits the Vice-Chair to two consecutive terms so that current Vice-Chair Andy Crim could be considered to continue in his leadership role in addition to other members. Durheim emphasized that she was not advocating for Crim to continue, only the possibility for it to be considered. Durheim also mentioned that Nominating Committee members cannot nominate themselves for either position. State agency representatives are eligible to serve on the Nominating Committee but are not eligible to be Vice-Chair. Members who are interested in serving in either position were asked to inform the Committee of their interest.

Members provided updates on events in their personal lives including additions to their extended families, challenges faced by family members, etc. Council member Lora Taylor provided information about her recent advocacy efforts to change accessible parking laws to designate spaces for “van only” parking. She has made several visits with legislators and talked with Governor-elect Greg Abbott who expressed his support. Taylor expects legislation to be introduced in the upcoming session. TEA representative Cindy Swain updated members on a project to be finalized in February that reviews student placements in in-school suspension and out-of-school suspension as well as disciplinary alternative educational placements and judicial placements. This project will discuss how students with disabilities are placed in these environments.

4. GRANT PROJECT HIGHLIGHTS

TCDD Grants Management Specialist Cynthia Ellison provided highlights of grant projects that will present during this quarter’s meetings. REACh Outreach and Development project will present at Friday’s Council meeting. This project provides support for East African families of children with disabilities in the Dallas-Fort Worth area.

Staff from the Texas A&M University Bridge to Career (B2C) in Human Services project were in attendance at the meeting to talk about that project. Ellison introduced Cheryl Grenwelge and Megan Sumbera who provided information to members.

5. PRESENTATION: TEXAS A&M HIGHER EDUCATION PROJECT

Grenwelge and Sumbera discussed this project that provides inclusive post-secondary education to students with intellectual and developmental disabilities to prepare them for employment in the human services field. Partners include Brazos Valley Center for Independent Living, Texas Department of Assistive and Rehabilitative Services and other local agencies. Students attend a 4-week summer session where they live on campus and receive daily classroom instruction as well as independent living skills training. Students then complete fall and spring semesters of academic training, career observation, volunteering and a paid practicum. 38 total students have graduated from the first three cohorts of this project and 25 more are currently enrolled. The project is moving towards sustainability, has received accreditation from the National Association of Direct Support Professionals, and is recognized by Texas A&M University as an adult continuing education program. Beverly Boyd of Brenham Outreach Advisory Council and Pat Morse of Brazos Valley Center for Independent Living discussed their organizations' partnerships with this program. Alyssa Enriquez and Amanda Ransleben discussed their experiences as students in the program and their current jobs as direct support professionals. The program intends to expand training to other areas of human services including child care and teaching assistants.

6. ANNUAL SUMMARY OF STATE PLAN IMPLEMENTATION

TCDD Planning Coordinator Joanna Cordry briefly discussed "next steps" for Council members to consider in their annual review of the state plan. She reviewed the format of material provided for members which shows state plan goals and objectives, the status of each project related to those objectives, and suggested next steps. Members will discuss this information in the Project Development and Public Policy Committee meetings.

7. TCDD COUNCIL QUIZ GAME

TCDD Communications Coordinator Joshua Ryf presented training on various subjects related to developmental disabilities in the form of a trivia quiz game. Subjects included the Developmental Disabilities Act, History of the Disability Movement, and TCDD policies and procedures. This format was well received by members.

8. PUBLIC POLICY UPDATES

TCDD Public Policy Director Jessica Ramos provided a public policy update including results of statewide elections and how this will impact legislative committees and representation for members. Ramos also discussed recommendations for health and human services agencies from the Sunset Commissions and the suggestion to reorganize those agencies into one large agency with seven divisions.

ADJOURN

Council Chair Durham adjourned the Committee of the Whole at 2:25 PM.

Roger A. Webb
Secretary to the Council

Date