

Background:

The Council will review the minutes from the February 6, Council meeting and February 5, 2014, Committee of the Whole meeting.

A summary of the Audit Committee meeting on February 6, 2015 is also included.

Council

Agenda Item 3. A.

Expected Action:

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

**COUNCIL MEETING
DRAFT MINUTES
FEBRUARY 6, 2015**

COUNCIL MEMBERS PRESENT

Mary Durham, Council Chair	Mary Faithfull, DRT	Dana Perry
Hunter Adkins	Stephen Gersuk	Brandon Pharris
Kimberly Blackmon	Ivy Goldstein, DSHS	Amy Sharp, A&M CDD
Kristine Clark	Barbara Kaatz, TEA	David Taylor
Gladys Cortez	Sara Kendall, DARS	Lora Taylor
Kristen Cox	Penny Larkin, DADS	Rick Tisch
Mateo Delgado	Ruth Mason	April Young, HHSC
Elaine Eisenbaum, UT CDS	Michael Peace	

COUNCIL MEMBERS ABSENT

Andrew Crim	Scott McAvoy
Diana Kern	John Thomas

STAFF MEMBERS PRESENT

Roger Webb, Executive Director	Sonya Hosey	Jessica Ramos
Martha Cantu	Wendy Jones	Joshua Ryf
Joanna Cordry	Linda Logan	Koren Vogel
Cynthia Ellison	Susan Mihalik	

GUESTS PRESENT

Ross Castillo	Jane Cummins	Alyssa Martin
Analee Chaumont	Shiloh Gonzales, DARS	Darryl Powell
Adrian Clark	Dan Graves	

CALL TO ORDER

The Texas Council for Developmental Disabilities convened on Friday, February 6, 2015, in the Hill Country B Ballroom of the Holiday Inn Austin Midtown Hotel, 6000 Middle Fiskville Road, Austin, TX 78752. Council Chair Mary Durham called the meeting to order at 10:28 AM.

1. INTRODUCTIONS

Council members, staff and guests were introduced. Elaine Eisenbaum was present as the designated alternate from the Center for Disability Studies however, as she has not been through orientation, Eisenbaum is not eligible to vote on Council actions.

2. PUBLIC COMMENTS

No public comments were offered to the Council.

3. CONSENT ITEMS

Chair Durham asked for a motion to approve the consent items for the meeting which include the minutes of the November 7, 2014, Council meeting and the November 6, 2014, Committee of the Whole meeting as well as the excused absences of Andrew Crim, Diana Kern, Scott McAvoy and John Thomas.

MOTION: To approve the minutes of the November 7, 2014, Council meeting and November 6, 2014, Committee of the Whole meeting as well as the excused absences as noted.

MADE BY: Kristen Cox

SECOND: Hunter Adkins

The motion **passed** unanimously.

4. TCDD FY 2015 INTERNAL AUDIT PLAN

Chair Durham noted that the meeting agenda would be rearranged to allow consideration of the Internal Audit Plan while the auditors were present. She introduced Alyssa Martin and Dan Graves of Weaver and Tidwell, LLP. Martin provided a brief overview of the risk assessment that was conducted with input from TCDD management. She reviewed 16 significant internal and external TCDD activities and noted that high risk areas include Grant Management and Administration, Website Maintenance, Financial Reporting, Accounts Payable and Disbursements and Human Resources and Administration. Graves discussed the FY 2015 Internal Audit Plan that was developed based on the risk assessment. He noted that the major audit activities proposed for this fiscal year are a procedures and controls review which will allow the new auditors to become better acquainted with TCDD operations. The risk assessment will be updated based on that review and follow-up on previous audit recommendations will be conducted. An Annual Internal Audit Report will be submitted at the end of the fiscal year as required by the Texas Internal Audit Act. Martin further noted that plans for FY 2016 and FY 2017 have been proposed to cover the areas of Grant Management and Website Maintenance but this can be reassessed as audit activities for FY 2015 progress.

Chair Durham explained that a quorum was not present at the Audit Committee meeting but those present were in agreement of the proposed plans. Other members of the Audit Committee had previously reviewed the proposed plan and indicated their approval by email.

MOTION: To approve the TCDD FY 2015 Internal Audit Plan as proposed.

MADE BY: Mary Durham

SECOND: Lora Taylor

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

5. CHAIR'S REPORT

Chair Durham thanked members for their participation in visits to legislative offices noting that she heard several positive stories from those visits. Durham reminded members of the upcoming Disability Policy Seminar to take place April 13-15, 2015, in Washington DC. Members who may be interested in attending should contact Durham or Executive Director Roger Webb. She also noted that the NACDD Annual Conference will take place in July in Reno, NV.

6. EXECUTIVE DIRECTOR'S REPORT

Executive Director Webb recognized Grants Management Specialist Wendy Jones for five years of service to TCDD.

Webb next reviewed the status of TCDD Sunset legislation. He noted that final recommendations presented at the December hearing were as expected with a statutory revision to change the end date of the organization in state law to 2027. Management recommendations direct the agency to monitor outcomes of grant projects for five years past the end of TCDD funding if project activities are expected to continue. An individual bill is expected to be filed to extend the expiration date of TCDD in state law, but this has not happened yet. Members will be advised as legislation is filed and progresses.

Webb provided an update on federal appropriations which included a 1.15% increase from FY 2014 for DD Councils. This is expected to result in approximately \$45,000 for TCDD.

Webb again noted that his expected retirement date is June 12, 2015.

7. ELECTION OF COUNCIL VICE-CHAIR

Chair Durham reminded members that the Nominating Committee consisting of David Taylor, Hunter Adkins and Kristine Clark met during the past quarter to determine recommendations for the positions of Council Vice-Chair and Self-Advocate (Consumer) Delegate-at-Large to the Executive Committee. Taylor was elected to serve as Chair of the Nominating Committee. He reported that the Committee nominates Kristen Cox to serve as Council Vice-Chair. No further nominations were offered from the floor and Cox confirmed her willingness to serve in this capacity.

MOTION: To elect Kristen Cox as Council Vice-Chair.

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

The motion **passed** unanimously.

8. ELECTION OF SELF-ADVOCATE (CONSUMER) DELEGATE-AT-LARGE TO THE EXECUTIVE COMMITTEE

Mr. Taylor reported that the Nominating Committee nominates Michael Peace as the Self-Advocate (Consumer) Delegate-at-Large to the Executive Committee. Peace accepted the nomination and no further nominations were presented.

MOTION: To elect Michael Peace as the Self-Advocate (Consumer) Delegate-at-Large to the Executive Committee

MADE BY: David Taylor for the Nominating Committee

The motion **passed** unanimously.

9. TCDD EDUCATION POSITION STATEMENT REVISIONS

Prior to her election as Council Vice-Chair, Kristen Cox was serving in the capacity of Chair of the Public Policy Committee. Cox reported that the Committee discussed the TCDD Education Position statement including the draft revisions presented in meeting materials. The Committee agreed to

those revisions and offered additional revisions. Cox reviewed all the revisions offered by the Committee.

MOTION: To approve revisions to the TCDD Education Position Statement as presented by the Committee.

MADE BY: Kristen Cox for the Public Policy Committee

The motion **passed** with Stephen Gersuk opposed. (Attachment 2) Cox thanked members for their input and work on the revisions to this statement. She noted that input provided prior to the meeting allows the Committee to have meaningful discussion.

10. FUTURE ACTIVITIES FOR STATE PLAN IMPLEMENTATION

Project Development Committee Chair Gladys Cortez reported on Project Development Committee discussion about the Executive Summary for Support Network for Faith-Based Inclusion. Planning Coordinator Joanna Cordry reviewed the Executive Summary noting that the project will provide support for TxFIND (Texas Faith Inclusion Network for People with Disabilities) which will establish a collaborative organization to connect organizations and individuals interested in promoting inclusion in faith communities. The network will coordinate outreach, provide technical support, work with self-advocates to become leaders in their communities, develop materials on the topic and potentially establish a non-profit organization to continue the work past TCDD funding. The project is intended as a competitive bid process but the TCDD Inclusive Faith-Based Communities Symposium grantees have provided input on this project and its activities to continue the work started with those projects. Cordry reinforced that any organization is welcome to apply for the project.

MOTION: To approve funding for the Texas Faith Inclusion Network for up to \$75,000 per year for up to two years.

MADE BY: Gladys Cortez for the Project Development Committee.

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

Cortez next reported on the Committee's discussion about the Stakeholder Training on Guardianship Alternatives. Cordry reviewed a proposal to provide training to judges and attorneys on alternatives to guardianship. She noted that it is contingent on the passage of legislation that would make changes to the Texas Estate Code in favor of less restrictive alternatives to guardianship. There is no current opposition to this proposed legislation and it is expected to pass. A second proposal for training for individuals with disabilities and their family members on this subject will be offered at a future meeting. Cordry noted that Executive Director Webb has had discussions with the executive director from the Texas Office of Court Administration (OCA) who is in support of the legislation as well as training to implement its effect. The OCA executive director proposed a kick-off summit for this training with a key-note address from the Chief Justice of the Texas Supreme Court to encourage attendance from judges throughout the state. Further discussion on the summit will take place and Cordry and Webb noted that if additional funding is needed for such an event, that proposal will be presented to the Committee at a future meeting. Webb also acknowledged the potential for collaborative efforts in the development of the training so the topic will be discussed

with the DD Network partners (Disability Rights Texas, the Center for Development and Disability at Texas A&M, and the Center for Disability Studies at the University of Texas).

MOTION: To approve funding for Stakeholder Training on Guardianship Alternatives for up to \$40,000 per year for up to three years contingent on successful legislative efforts on this issue.

MADE BY: Gladys Cortez for the Project Development Committee.

The motion **passed** without opposition. Mary Faithfull abstained from voting. (Attachment 4)

Cortez reported that the Project Development Committee discussed Future Project Funding Priorities and included the new projects as the 4th and 5th priorities. No concerns were noted.

11. PUBLIC POLICY RECOMMENDATIONS

Public Policy Committee Chair Cox reported that the Committee discussed pending legislation on the use of medical marijuana but did not wish to make any policy recommendations on this or any other topic at this time.

12. GRANTEE PRESENTATION: EDUCATION PROGRAMS INSPIRING COMMUNITIES

TCDD Grants Management Specialist Susan Mihalik introduced Jane Cummins, Adrian Clark and Dr. Ross Castillo from Educational Programs Inspiring Communities. Cummins provided an overview of their organization which has been in existence since 2006 to provide training and employment options for people with intellectual disabilities. One option provides training in the management of vending machines where individuals earn minimum wage or higher to service these machines. Cummins described the Working with HEART TCDD funded project which has developed an iPad application to assist individuals in inventory maintenance for vending machines and noted that the technology can be expanded to any industry where inventory is required. Dr. Castillo described the implementation of the application for the 37 participants, many of whom had never seen an iPad prior to the training. The technology has allowed participants to fully engage in their work activities. Clark described her work activities in vending machines inventory and noted that training is included in the iPad application. Cummins further noted that discussion is taking place for expansion of the application to other companies such as Papa John's Pizza or Jack in the Box with regional testing in those stores.

13. EXECUTIVE COMMITTEE REPORT

Executive Director Webb reminded members that the Executive Committee has been reviewing succession planning activities for the past several quarters. Council members were provided with a revised Executive Director position description as well as revisions to the succession planning procedures to replace the Executive Director. Webb noted that revisions to the procedures reflect the previous wishes of the Executive Committee as well as directions from human resources staff at Texas Education Agency (TEA) so that TCDD's procedures follow state guidelines. Council Chair Durham is the supervisor for the TCDD Executive Director and is therefore the hiring manager for the position. Since she is not a state employee it presents a unique situation in the hiring process. The Executive Committee will designate a transition team including the Council Chair, one member of the Executive Committee, two members of the Council, and TCDD Operations Director Martha Cantu as a staff representation. That transition committee will guide the process and potentially serve as the hiring panel. Webb noted that he will not be part of the transition team or selection

process to ensure objectivity. The selection team will review applications, conduct two rounds of interviews and determine a selection. Once the selection is made and entered into the TEA computer system, the human resources department at TEA will make the employment offer to the candidate and following an acceptance, the candidate will be contacted by Chair Durham. Webb noted that the Executive Committee will reconvene following the Council meeting to determine the members of the transition team as this could not be finalized until after Council elections. Staff will work with the transition team to post the position for applications for 30 days. Recruitment efforts will be done through traditional advertisement as well as social media and nationwide job search sites. Durham added that the transition team will take part in a modified training through TEA on the selection and interview process and noted that if members are interested in serving on the transition team, they should let her know. Webb further noted that a potential timeline to hire a successor will be provided to the Executive Committee and while it is unlikely that a selection will be made prior to the May Council meeting, it is hoped that a new Executive Director will be on board by mid-summer.

Grants Management Director Sonya Hosey reviewed the Independent Audit Status Report. She noted the recommendations based on the desk reviews for Any Baby Can of San Antonio but indicated that no concerns were found. Hosey further reviewed the Grants Monitoring Exceptions Report and discussed the Arc of Dallas leadership and advocacy project, noting that at that corrective action was needed and once final documents were received no concerns were found.

Hosey reviewed the risk assessments for projects that were considered for continuation grant funding as well as the quarterly update for all TCDD projects. She discussed the Arc of San Angelo project that was to provide personal stories on alternatives to guardianship but was unable to complete this in a timely manner to be beneficial to TCDD public policy staff. The project will be concluded and reimbursement for completed activities is not expected to be the full amount approved for the project.

Hosey reported that the Executive Committee approved a new Outreach and Development project to Special Kids, Inc. and continuation funding for Any Baby Can (health and fitness), Texas Department of Assistive and Rehabilitative Services (higher education), Texas State Independent Living Council (health and fitness), VSA Arts of Texas (self-advocates as speakers), Texas Parent to Parent (public policy collaboration), and Texas Tech University (higher education). Additional information was provided in a handout. Chair Durham further reported that continuation grant funding was not awarded to the Texas Tech University for the Building Community Capacity through Collaboration project based on a lack of measurable objectives in the work-plan. Durham noted that other projects from this grantee have been very successful and she appreciated the respect and professionalism of project staff even though funding was not continued. She also commended TCDD staff for their work in reviewing this project and all TCDD grant projects.

TCDD Operations Director Martha Cantu reviewed the TCDD Quarterly Financial Report noting that the Executive Committee had no concerns on the reports. Cantu next discussed a proposed amendment to the FY 2015 Operating Expense budget to correct estimated salaries and benefits for the year. Earlier calculations did not contain all of the approved staff positions or the 2% across the board salary increase provided to all state employees.

MOTION: To approve amendments to the FY 2015 TCDD Operating Expense budget regarding staff salaries and benefits as presented.

MADE BY: Mary Durham for the Executive Committee.

The motion **passed** unanimously.

TCDD Executive Assistant Koren Vogel reviewed revisions to the Conflict of Interest Disclosures report for Council members and staff and noted that no concerns were expressed by the Committee. Members were encouraged to submit revisions as needed.

14. PUBLIC POLICY COMMITTEE REPORT

Public Policy Committee Chair Cox reported on the Public Information report and asked members to follow the instructions provided in that report to increase traffic to the TCDD Facebook page.

15. ANNOUNCEMENTS AND UPDATES

Council members discussed their experiences with legislative visits and Public Policy Staff members were commended for coordinating these efforts.

Council members also discussed dates of future meetings May 6-8, 2015, at the Marriott Austin South, August 5-7, 2015, at the Embassy Suites in San Marcos as well as November 4-6, 2015, and February 3-5, 2016.

ADJOURN

Council Chair Durham adjourned the meeting at 12:14 PM.

Roger A. Webb
Secretary to the Council

Date

Attachments

Background:

As staff reviewed last quarter, TCDD recently solicited proposals for internal audit services beginning this fall. The Council approved contracting with Weaver & Tidwell to provide those services. Weaver met with TCDD executive staff to develop a risk assessment of TCDD activities and to propose an internal audit plan for the remainder of FY 2015 and for FY 2016-2017. That information was not available when this binder was collated but will be provided by email or express mail when available. Copies of all materials will also be available for all members at the meetings.

Audit Committee

Agenda Item 3-4.

Expected Action:

The Audit Committee will review the proposed FY 15 Internal Audit Plan and recommend action to the Council.

Council

Agenda Item 8.

Expected Action:

The Council will consider recommendations from the Committee and approve the TCDD FY 15 Internal Audit Plan.



Education

Draft Position Statement

The Texas Council for Developmental Disabilities supports the position 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 and extracurricular programs attended by their brothers, sisters and neighbors, and that schools, classrooms ~~and programs~~, and related transportation 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 academic ~~and behavioral disciplinary~~ needs.

All students regardless of individual needs must be provided with individualized inclusive academic and vocational ~~appropriate~~ instruction, research-based positive behavioral interventions and evidence informed supports, access to the general curriculum, extracurricular activities and related services in the least restrictive environment. Related services refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation ~~includes but are not limited to adaptive aids, assistive technology, modifications, therapies and supplementary aids~~. 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.

Comment [STA1]: Therapies are specifically included in IDEA – speech, mental health, occupational, whatever is necessary

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 that 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, engaged community involvement, or both all within one year of leaving high school.

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 or federal 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 all 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 does not support any initiative that would deplete funds from the public education system and ultimately from those available for the education of students with disabilities.

The 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, not only those in special education services, 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.

Full inclusion requires the ongoing, shared responsibility of students, parents, guardians, educators, administrators and the community at large to ensure that all students have the same opportunities to learn, to play, to be engaged with peers, and to fully experience student life.

Approved ~~November 7, 2014~~

Executive Summary

Support for the Texas Faith Inclusion Network for People with Disabilities

Project Goal

Establish the Texas Faith Inclusion Network for People with Disabilities and their families (TxFIND) as an entity that connects with and provides materials and/or technical assistance to organizations and individuals interested in promoting inclusion in faith communities.

The proposed project would address State Plan Objective 3.4: Work with others to provide information to at least 200 community organizations and/or businesses to support inclusion of people with developmental disabilities more fully by 9/30/2016.

Proposed Funding Amount

\$20,000 - \$75,000 per year for up to one project, depending upon the outcomes expected by TCDD. Please see “Project Description” below for more information

Proposed Duration

Up to two years

Background

The Texas Council for Developmental Disabilities currently provides funding for four “Inclusive Faith-Based Communities Symposium” grants that were developed to assist faith-based communities to better include people with developmental disabilities. Grantees were required to hold symposiums and provide technical assistance to help faith-based communities become more inclusive. Four grantee organizations - OneStar Foundation, West Central Texas Regional Foundation, Arc of Greater Tarrant County, and Jewish Family Services of Dallas – each received grants of up to \$75,000 per year for up to three years, beginning in 2012. All four grants will end by March of 2015. The organizations that received TCDD grants plan to continue their work to the extent that they are able.

While all grants had similar goals, they experienced varying degrees of success and encountered different barriers. One grantee had numerous setbacks due to a lack of support for technology-related issues and changes in key personnel. Another found few other organizations in the region that were interested in partnering and had to spend more time than expected on outreach activities. Attendance at the symposiums ranged from less than 50 at a symposium held the first year to 220 at a symposium in 2014. Three grantees noted an increase of approximately 50 percent in their attendance between their first symposium and the last.

All projects were able to hold at least two symposiums, as required by the Request for Proposals, and other smaller events, such as workshops on inclusive youth ministries and inclusive educational strategies. Presentations were given at the Diocese of Austin; the National Association of Councils on Developmental Disabilities annual conference; the 2014 Texas Transitions Conference; the State Independent Living Council conference in Corpus Christi; and a training for eight discharge planning staff at the Austin State Supported Living Center.

The projects also developed materials, some of which will continue to be of benefit after the projects end. Products created included a website; resource guides; brochures; promotional videos; and a toolkit available in English and Spanish.

During the last two years of the grants, TCDD staff provided support for the four grantees to meet, share resources, and collaborate. Additionally, a contractor was engaged to assist them in establishing a statewide inclusive faith network to support each other in their work. Staff from all four projects worked with other individuals, representatives from organizations not receiving grants, and the contractor to create TxFIND – a multi-faith statewide network that has the mission to link congregations, organizations, or individuals who wish to start and/or strengthen the inclusion and contributions of people with disabilities and their families in faith communities of their choice. TxFIND seeks to encourage inclusive faith supports that involve people with disabilities and their families in the full life of a congregation or faith community; they do not seek to develop new religious communities, to encourage people to change faith traditions, or to adopt a faith tradition.

TxFIND currently has a listserv supported by the Center for Disability Studies at UT-Austin and a Facebook page. The listserv has approximately 20 members, including both individuals and organizations.

Several other groups have expressed hope that TCDD would provide funding for similar projects to be conducted in other areas of the state, such as Houston and San Antonio. At least two of these groups have been invited to join TxFIND and have participated on TxFIND teleconferences. TCDD grantees have provided some limited technical assistance to individuals from these groups through TxFIND and with additional infrastructure could provide this type of support to other communities as well.

At the November 2014 Project Development Committee meeting, the Committee discussed possible “next steps” for TCDD’s four faith-based projects and expressed interest in providing a small amount of funding to enable these projects to develop infrastructure to support TxFIND’s growth. At that time, TCDD staff advised the Committee that TxFIND might be able to establish a sustainable organization with as little as \$20,000 per year. Since that time, staff have had further discussion with TxFIND members and have determined that developing the infrastructure needed to create an effective, wide-reaching sustainable network that supports individuals with disabilities and family members to take active roles would most likely require funding above this amount. Below are descriptions of outcomes that could be expected with funding up to \$20,000 per year, as was suggested in November 2014, and outcomes that could be expected with funding up to \$75,000 per year, as recommended by staff at this time.

Project Description

One organization will guide and support other members to market TxFIND with the hope of at least doubling the current membership and to provide individuals and organizations with information related to developing inclusion in faith-based communities.

Funding of up to \$20,000 per year for up to two years should result in the following:

- Establish the Texas Faith Inclusion Network for People with Disabilities and their families (TxFIND) that connects organizations and individuals interested in promoting inclusion in faith communities.
 - Coordinate teleconferences for TxFIND members at least monthly throughout Year 1.
 - Reach out to faith networks, parent and self-advocacy groups, provider networks, community centers, clergy training programs, and others as determined by the membership to expand TxFIND to at least forty members by the end of Year 1.
 - Determine benefits of becoming a non-profit vs. being a part of an existing organization.
- Provide materials and technical assistance to organizations and individuals interested in promoting inclusion in faith communities.
 - Maintain a simple web presence that includes links to faith-based inclusion projects in Texas and resources already developed.
 - By the end of Year 2, identify at least four individuals, including at least one individual with a disability and one family member, willing to provide technical assistance.
 - By the end of Year 2, identify at least four individuals, including at least one individual with a disability and one family member, willing to speak about inclusion in faith communities at conferences and other events.
 - By the end of Year 2, provide information to at least four different organizations holding conferences or seminars to enable them to apply for TCDD Disability-Related Presentations Support stipends to support speakers on inclusion in faith-based communities.
 - Develop and implement a process for tracking training and technical assistance provided by TxFIND members.

Funding of up to \$75,000 per year for up to two years should result in the following:

- Establish the Texas Faith Inclusion Network for People with Disabilities and their families (TxFIND) that connects organizations and individuals interested in promoting inclusion in faith communities.
 - Coordinate teleconferences for TxFIND members at least monthly throughout Year 1.
 - Reach out to faith networks, parent and self-advocacy groups, provider networks, community centers, clergy training programs, and others as determined by the membership to expand TxFIND to at least 150 by the end of Year 2.
 - Determine benefits of becoming a non-profit vs. being a part of an existing organization.
 - Establish TxFind bylaws, organizational structure, and a Steering Committee.
 - Develop and implement ideas to generate funding, including a possible dues structures for individuals and organizations and fund-raising options.
 - Develop and distribute marketing materials to build awareness of TxFIND.
- Provide materials and/or technical assistance to organizations and individuals interested in promoting inclusion in faith communities.
 - Develop a brand and branded materials for outreach.
 - Maintain a simple web presence that includes links to faith-based inclusion projects in

Texas and resources.

- Research new resources and determine what resources might need to be developed.
- By the end of Year 2, identify and support at least six individuals, including at least one individual with a disability and one family member, willing to provide technical assistance.
- By the end of Year 2, identify and support at least six individuals, including at least one individual with a disability and one family member, willing to speak about inclusion in faith communities at conferences and other events.
- By the end of Year 2, provide information to at least six different organizations holding conferences or seminars to enable them to apply for TCDD Disability-Related Presentations Support stipends to support speakers on inclusion in faith-based communities.
- By the end of Year 2, provide technical assistance to at least three faith communities to support self-advocates to be leaders.
- Develop and implement a process for tracking training and technical assistance provided by TxFIND members.

Other Considerations

The need for this project was identified by TCDD staff in collaboration with members of the TxFIND and members of the TxFIND provided significant input into the activities described in this Executive Summary. TCDD expects that an organization or organizations that is/are a member of TxFIND may apply to implement the project.

Funds for the project activity will be awarded through a competitive process.

Executive Summary

Stakeholder Training on Guardianship Alternatives

Project Goal

Partner with stakeholders and subject matter experts to develop and provide training to promote the informed use of alternatives to guardianship that assist individuals to make their own decisions, maintain civil rights, and reduce the need for guardianships.

The proposed project would address State Plan Objective 5.5: Beginning in FY 2014, develop opportunities to partner with people who have developmental disabilities, families, providers, medical schools, licensing and certification boards, agencies, and/or community-based organizations to provide or develop training and/or practice guidelines that include knowledge related to disability and incorporate components of successful TCDD projects.

Proposed Funding Amount

Up to \$40,000 per year.

Proposed Duration

Up to three years.

Background

The vast majority of people with disabilities, including those with Intellectual and Developmental Disabilities (I/DD), can make important decisions when they receive necessary supports and services without needing a guardian. Because a guardianship can result in a person losing all rights to manage their own finances, vote, get married, enter into contracts, or make medical decisions for themselves, guardianships are usually believed to be a last resort. State law in Texas directs courts to encourage the maximum self-reliance and independence. However, attorneys, judges, providers, and parents do not necessarily have knowledge or appreciation of alternatives to guardianship that may prevent a person from losing all rights. Also, the broad definition of incapacity in the Texas Estates Code has a discriminatory impact on people with I/DD 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 to manage their own financial affairs.

Information about individuals under guardianship is not easily available. The State of Texas' Office of Court Administration (OCA) writes in a 2014 report, "As in many other states, case-level data about guardianship proceedings in Texas is incomplete for the purpose of state-level and statewide analysis."ⁱ It appears the number of people under guardianship in Texas is considered a "best guess" because some courts are not reporting as expected. Texas has only recently initiated data collection to determine how many individuals under guardianship are people with disabilities, and it does not appear that reliable data is available to allow TCDD to determine if there are other groups that may be disproportionately impacted by guardianship laws or processes.

The Texas Council for Developmental Disabilities' (TCDD) involvement in guardianship-related issues has included collaboration with other advocate groups to examine guardianship laws, advocacy to improve laws and practices, and development of projects to demonstrate alternatives to guardianship.

In 2009, TCDD staff and other advocates provided assistance to members of the 81st Texas Legislature to draft House Bill (HB) 1454 that incorporated some of the components of past TCDD Peer to Peer Support projects. HB 1454 directed the Health and Human Services Commission (HHSC) to create a volunteer-supported decision-making advocate pilot program for people with I/DD or other cognitive disabilities who live in a community setting. The goal of the pilot was to demonstrate an alternative to guardianship that does not impede self-determination. HHSC directed the Department of Aging and Disability Services (DADS) to implement the pilot and prepare the report for the legislature.

In 2011, TCDD provided a three year grant to the Arc of San Angelo to establish a pilot to develop a trained pool of volunteers willing to support individuals with intellectual, developmental, and/or other disabilities in making their own decisions as an alternative to guardianship and to provide DADS with information to prepare their report to the legislature. The project identified legal, procedural and cultural barriers preventing volunteers from supporting decision-making of individuals with developmental disabilities. The project also found other states promoted alternatives to guardianship that were not available in Texas policy and practice.

At the same time that TCDD's project was piloting one alternative to guardianship, TCDD staff were also collaborating with other advocates in two separate policy-related initiatives to develop recommendations for guardianship reform.

The first initiative, the "Texas Working Interdisciplinary Network of Guardianship Stakeholders" (WINGS), was created using an incentive grant awarded by the National Guardianship Network to the Texas Office of Court Administration (OCA). WINGS had broad representation from a range of stakeholders: probate judges; attorneys; physicians; guardian providers; elder advocates and professionals; and disability advocates, including TCDD. WINGS was charged to identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options; address key policy and practice issues; engage in outreach, education and training; and serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults in, or potentially in, the guardianship and alternatives systems.

The second initiative in which TCDD has been actively involved is the Guardianship Reform and Supported Decision-Making (GRSDM) workgroup. GRSDM is an ad hoc group of organizations; individuals with physical, mental, intellectual and developmental disabilities; seniors; social workers; and representatives from the legal community. The GRSDM collaboration developed seven policy proposals to support increased opportunities for people with disabilities and elders to make important decisions without the need for a guardianship by making changes in the Texas Estates Code. The proposals are related to:

- change of the impersonal term "ward" to "person under guardianship";
- development of a bill of rights that individuals under guardianship would be able to keep;

- required consideration of less restrictive alternatives prior to a guardianship decision;
- improved protections for individuals in institutions by setting certain duties of guardians;
- consideration of supports to assist people to meet their needs and avoid or limit guardianship;
- supported decision-making agreements as an informal alternative to guardianship; and
- inclusion of a provision to allow a person under guardianship to make decisions about residence.

These seven proposals were reviewed by the OCA, which appreciated the necessity of expanding the work to be inclusive of people with developmental disabilities and agreed the seven proposals are needed reforms.

TCDD and other advocates expect significant changes to the Estates Code to be proposed during the 84th Texas Legislative Session. If passed, these bills will clarify the preference for less restrictive alternatives to guardianship, define and promote the use of supported decision-making agreements, and alter the duties of both attorneys ad litem and guardians. Attorneys, judges, people with disabilities, and their caregivers will likely need additional training on any new legislation. This creates an opportunity for TCDD to collaborate with others to develop training materials that include information on changes to Texas Estates Code, current alternatives to guardianship, and self-determination.

Project Description

The grantee or contractor will work with TCDD staff and other stakeholders (including individuals with developmental disabilities, family members of people with developmental disabilities, relevant licensing and certification boards, and community-based organizations) to:

1. Develop outreach plans for target audience groups, to include probate and county court judges, probate attorneys, and individuals with disabilities and family/supporters.
2. Develop training materials tailored to each audience group and including information about alternatives to guardianship, including:
 - a. Limited guardianships
 - b. Medical Power of Attorney – Chapter 166, Health and Safety Code
 - c. Durable Power of Attorney – Section 751.002, Estates Code
 - d. Declaration for Mental Health Treatment – Chapter 137, Civil Practice and Remedies Code
 - e. HIPPA releases
 - f. Financial management relationships
 - g. Supported decision-making agreements
3. Ensure that training includes changes from the 84th Texas Legislature.
4. Apply to the State Bar of Texas to be able to provide continuing legal education (CLE) accreditation for attorneys.
5. Submit presentation proposals for current professional development conferences for judges and attorneys.
 - a. For probate court judges, county court at law judges and constitutional county court judges, presentation proposals are expected to be submitted to:
 - i. The Texas College of Probate Judges

- ii. The Texas Judicial Academy
 - iii. Other annual and/or regional training conferences for county court at law judges
 - b. For attorneys, presentation proposals are expected to be submitted to:
 - i. The Poverty Law Section of the State Bar of Texas for inclusion in the annual Poverty Law Conference and or in web-based presentations
 - ii. The Real Estate, Probate and Trust section of the State Bar
- 6. Submit presentation proposals to annual conferences hosted by stakeholder groups, such as the Texas Council for Community Centers, the Texas Council of Administrators of Special Education, the Texas Guardianship Association and advocacy organizations like the Arc of Texas, Texas Advocates, Texas Parent to Parent, and National Alliance on Mental Illness.
- 7. Identify other local training partners, schedule trainings, reserve venues, and raise awareness of training opportunities among target audience groups. For provision of training to individuals with disabilities and family members, possible partners to be considered should include: Local Authorities, Regional Education Service Centers, the Arc of Texas, Texas Advocates and Centers for Independent Living.
- 8. Provide training to the target audience groups and collect information to evaluate the effectiveness and usefulness of the training.
- 9. Report to TCDD on progress at least quarterly, and provide information on the number of people trained, the demographics of those trained, and the results of the training evaluations.
- 10. Provide TCDD with information and recommendations about further policy actions and future projects.

Other Considerations

1. The need for this project was identified by TCDD staff in collaboration with the other members of the GRSDM workgroup who advocated for the guardianship reforms to be included in the proposed legislation. Members of the GRSDM provided significant input into the activities described in this Executive Summary. TCDD expects that this workgroup will continue to be involved in the implementation of the activities (along with other stakeholders) and that an organization or organizations that is/are a member of this workgroup may apply to oversee implementation of the project. Funds for the project activity will be awarded through a competitive process, and all organizations interested in applying will receive the same amount of information from TCDD regarding the project and guardianship reform.
2. Because of the large number of people with disabilities, family members, and others located around the state who would benefit from training on alternatives to guardianship, TCDD may consider funding an additional project to develop and conduct training for individuals with disabilities and family members, using the information gained and lessons learned from the activities described here. TCDD staff anticipate such a project would require a larger funding amount and a longer duration.

ⁱ *Texas Guardianship Cases: Improving Court Processes and Monitoring Practices in Texas Courts*, Texas Office of Court Administration, November 2014.

http://www.txcourts.gov/media/701080/GUARDIANSHIP-STUDY_11-12-14-Final.pdf

**COMMITTEE OF THE WHOLE
DRAFT MINUTES
FEBRUARY 5, 2015**

COUNCIL MEMBERS PRESENT

Mary Durham, Council Chair
Hunter Adkins
Kimberly Blackmon
Kristine Clark
Gladys Cortez
Kristen Cox
Mateo Delgado
Elaine Eisenbaum, UT CDS

Mary Faithfull, DRT
Stephen Gersuk
Ivy Goldstein, DSHS
Sara Kendall, DARS
Penny Larkin, DADS
Ruth Mason
Michael Peace
Dana Perry

Brandon Pharris
Amy Sharp, A&M CDD
David Taylor
Lora Taylor
Richard Tisch
Nancy Walker, HHSC

COUNCIL MEMBERS ABSENT

Andrew Crim
Diana Kern

Scott McAvoy
Cindy Swain, TEA

John Thomas

STAFF MEMBERS PRESENT

Roger Webb,
Executive Director
Martha Cantu
Belinda Carlton

Joanna Cordry
Sonya Hosey
Linda Logan
Susan Mihalik

Jessica Ramos
Joshua Ryf
Koren Vogel

GUESTS PRESENT

Cindy Burrow
Annalee Chaumont

Shiloh Gonzales, DARS
Chris Masey

Megan Morgan
Darryl Powell

CALL TO ORDER

The Committee of the Whole of the Texas Council for Developmental Disabilities convened on Thursday, February 5, 2015, in the Hill Country B Ballroom of the Holiday Inn Austin Midtown, 6000 Middle Fiskville Road, Austin, TX 78752. Council Chair Mary Durham called the meeting to order at 9:07 AM.

1. INTRODUCTIONS

Council members, staff and guests introduced themselves.

2. PUBLIC COMMENTS

No public comments were offered.

3. CHAIR AND EXECUTIVE DIRECTOR REMARKS

Executive Director Roger Webb announced that he plans to retire from TCDD on June 12, 2015. Webb discussed his decision with the Executive Committee and staff Wednesday, February 4, 2015. Webb noted that it has been his pleasure to serve the Council for 31 years, nearly 30 as Executive Director, and promote opportunities for independence and inclusion for people with disabilities. Chair Durham indicated that she would discuss the process to select the next Executive Director later during the Council meeting.

Durheim reported on absences for these meetings of John Thomas, Diana Kern, Scott McAvoy and Cindy Swain. Andy Crim was present for the Executive Committee meeting on Wednesday but is not able to attend meetings Thursday or Friday.

Webb discussed future training opportunities for Council members and staff. The Disability Policy Seminar will take place in Washington DC, April 11-13, 2015. Webb noted that with the Texas Legislature in session, TCDD Public Policy staff are not able to attend. Planning Coordinator Joanna Cordry will attend since she is a member of the NACDD Board. The NACDD Annual Conference will be July 20-22, 2015 in Reno, NV. Council members who are interested in attending either event should contact Webb or Durheim.

4. GRANT PROJECT HIGHLIGHTS

TCDD Grants Management Specialist Susan Mihalik provided grant project highlights of the Enabling Technology grants. Mihalik reviewed with members the intent of the projects to improve employment options and educational outcomes for individuals with developmental disabilities by promoting collaboration between people with developmental disabilities and developers to create technology that would enable people with developmental disabilities to gain and maintain competitive employment. Mihalik briefly described the Virtual Job Coach project of Strategic Education Solutions, LLC and the Working with HEART project of Educational Programs Inspiring Communities. Both projects have received \$225,000 per year and are in their third year with the potential for two more years. Both projects provide overviews of their projects during this quarter's meetings

5. GRANTEE PRESENTATION: STRATEGIC EDUCATION SOLUTIONS, LLC

Mihalik introduced Cindy Burrows, Strategic Education Solutions, LLC, project director of the Virtual Job Coach project. Burrows noted that she is the mother of an 11 year old with autism and has developed educational materials based on incremental instruction. She is collaborating with Social Motion Skills of Houston and Trinity Education Group on this project to develop a web-based application with training modules including career planning, job search, and workplace skills. Burrows reviewed the accomplishments of the first two years of the project including establishment of the project advisory committee, conducting a needs-based assessment for the tool, developing over 50 training modules, and expanding the tool's usage to high school students. During the third year of the project the project is developing additional content, establishing video-based training for instructors and students for the use of the product and expanding recruitment of pilot groups to use the project. The project is also developing a sustainability plan that includes outreach to organizations that provide employment services such as the Texas Department of Assistive and Rehabilitative Services and the Texas Workforce Commission. Burrows showed a video demonstrating the application's usage.

6. 84th TEXAS LEGISLATURE

Public Policy Director Jessica Ramos provided an overview of the 84th Texas legislative session. She explained that the biennial revenue estimate allows \$113 billion for general purpose spending with proposed House and Senate budgets at just under \$100 billion. Ramos discussed changes in the Texas Senate including changing the rule requiring 2/3 of the members to bring legislation to the floor to now require only 3/5 of the members, and reviewed assignments to Senate Committees.

Ramos noted that a focus of the legislature will be on contract oversight as a result of issues with health and human services contracts. She also reviewed Sunset legislation for Texas Health and Human Services agencies that include moving vocational rehabilitation services to the Texas Workforce Commission and eliminating the autism program managed by the Department of Assistive and Rehabilitative Services while providing funding to for autism services at the Texas Education Agency. Ramos also reviewed legislation of interest in the areas of education, higher education, long-term services and supports, employment and mental health.

7. PUBLIC POLICY ADVOCACY STRATEGIES

Public Policy Director Ramos provided guidance on legislative visits reminding members that this is an opportunity for members to tell their personal stories, educate legislative staff on TCDD, and remind legislative staff that people with disabilities are voting constituents.

Ramos reviewed the Council's priority issue of Community Living noting the Council's position that individuals with disabilities should have access to opportunities and supports to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families and communities. She provided talking points on this issue and encouraged members to share the leave-behind materials on the subject.

TCDD Public Policy Specialist Belinda Carlton discussed the Council's priority issue of Guardianship Reform and Supported Decision Making. She reviewed TCDD's position recommending increasing opportunities for, and protecting the civil rights and well-being of, people with developmental disabilities. Carlton discussed the efforts of the Guardianship and Supported Decision Making workgroup and its recommendations to change legal terminology from "ward" to "person under guardianship", establish a bill of rights, develop a supported decision making agreement, direct courts to determine if guardianship alternatives work and to determine if the needs of the person under guardianship are being met, require guardians to make monthly visits, and allow persons under guardianship to determine where they live. Carlton further reviewed efforts from the Texas Office of Court Administration and Texas Judicial Council on this issue noting that they are in agreement with workgroup recommendations.

TCDD Public Policy Specialist Linda Logan discussed the Council's priority issue of Employment. She reviewed the Council's position that people with disabilities have the right to competitive wages, job-training, and career growth as life-long learners. She also reviewed the Texas' Employment First policy which includes transition, self-determination, and access to technology and supports to obtain and keep employment. Logan also reviewed recommendations that expand higher education opportunities for people with disabilities, reward employers who provide integrated work environments, work to provide all people with competitive wages, and provide education on work incentive programs for SSI recipients.

Ramos provided background about Capitol visits and tips for making personal visits. She provided a sample introduction and a reminder of the Council's mission to create change so that people with disabilities can be fully included in their communities and exercise control over their own lives.

Members received a presentation from TCDD Developmental Disabilities Policy Fellows Megan Morgan and Chris Masey. Ms. Morgan is a policy fellow with the Arc of Texas and has is focusing on policy issues around long-term services and supports, early intervention and education, guardianship alternatives, and employment. Mr. Masey is a policy fellow with the Coalition of

Texans with Disabilities (CTD) and also the parent of a child with intellectual disabilities. Masey is working on a variety of topics including employment, mental health issues, state supported living centers, guardianship alternatives and community attendant care. Masey and Morgan also provided members with tips for Capitol visits including website links to the Texas Tribune for navigating the Texas Capitol.

ADJOURN

Council Chair Durham adjourned the Committee of the Whole adjourned at 12:55 PM.

Roger A. Webb
Secretary to the Council

Date

**AUDIT COMMITTEE MEETING
DRAFT MINUTES
FEBRUARY 6, 2015**

COMMITTEE MEMBERS PRESENT

Mary Durham, Council Chair Lora Taylor

COMMITTEE MEMBERS ABSENT

Andrew Crim, Chair Scott McAvoy John Thomas

COUNCIL MEMBERS PRESENT

Kristen Cox

STAFF MEMBERS PRESENT

Roger Webb, Martha Cantu
Executive Director Koren Vogel

GUESTS PRESENT

Alyssa Martin, Weaver & Tidwell
Dan Graves, Weaver & Tidwell

CALL TO ORDER

The Audit Committee of the Texas Council for Developmental Disabilities met informally at 8:35 AM on Friday, February 6, 2015, in the Hill Country B Ballroom at the Holiday Inn Austin Midtown, 6000 Middle Fiskville Road, Austin, TX 78752. Executive Director Webb advised members that since a quorum present, this would not be an official meeting but members could receive information and offer individual comments. Council Chair Durham could then report to the Council the overall input from those present.

1. INTRODUCTION

Committee members, staff and guests were introduced. Committee Chair Andrew Crim participated in the discussion via conference call.

2. APPROVAL OF MINUTES

This item was deferred since no quorum was present.

3. TCDD RISK ASSESSMENT

Alyssa Martin and Dan Graves of Weaver and Tidwell, LLP were introduced as the contracted internal auditors for TCDD. Other auditors from their firm may participate in future TCDD activities depending on the topic. Martin and Graves previously held a meeting with the TCDD management team to conduct a risk assessment of TCDD activities. They have developed a 3-year audit plan as a result of that assessment.

Martin discussed the five levels of TCDD activities that are considered to be high risk: Grant Management; Website Maintenance; Financial Reporting; Accounts Payable and Disbursements; and Human Resources Administration.

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Martin further discussed the 3-year Audit Plan. The first year includes the risk assessment as well as a review of procedures and controls. This review will evaluate operations as they relate to the policies and procedures of the Council. It is a high level overview for the auditors to gain understanding of existing TCDD operations. Auditors will also follow up on previous TCDD audits to determine if recommendations are being met. In FY 2016, the second year of the audit plan, the auditors propose updating the risk assessment and focusing on grant management and administration. The third year will focus on website maintenance. An annual report will be prepared every year to meet requirements of the State Auditor's Office.

After discussion, members present agreed for Chair Durham to recommend the 3-year Audit Plan for Council approval as presented.

ADJOURN

The meeting ended at 9:00 AM.

Roger A. Webb
Secretary to the Council

Date