**Texas Governor’s Committee on People with Disabilities**

**QUARTERLY MEETING MINUTES**

Thursday, July 25, 2024, 9:00 a.m. – 5:00 p.m. and

Friday, July 26, 2024, 9:00 a.m. - 11:00 a.m.

George H.W. Bush Presidential Library and Museum

1000 George Bush Drive West, Classroom

College Station, Texas 77845

**July 25, 2024**

1. **Call to Order/** **Roll Call** – Ellen Bauman, Vice Chair

**Members** Present: Kristie Orr, Kori Allen, Eric Lindsay, Elyse Lieberman, Benjamin Willis, Lauren Taylor, Richard Martinez, Evelyn Cano, Ellen Bauman

**Staff**: Ron Lucey, Carolyn Saathoff, Rebecca Lopez, Matt Dickens, Norman Kieke, Tamela Griffin (OOG Budget & Policy)

**ExOfficio Representatives**: Claudia Peden, Charlotte Melder (sub for Marsha Godeaux), Brock Boudreau, Lana Estevilla (sub for Clair Benetiz), Kristen McGuire

Committee members, staff, and ExOfficio representatives introduced themselves. Elyse Lieberman announced she will be moving from her role as a GCPD member and will transition over to the ExOfficio role for Texas Education Agency.

1. **Welcoming Remarks**
	1. College Station **Mayor John Nichols** thanked the committee for holding the meeting in College Station and expressed personal gratitude for the GCPD working for people with disabilities. Vice Chair Bauman presented the Texas Flag and Governor’s Proclamation to Mayor Nichols.
	2. **Dr. Susan Ballabina**, TAMU Office of the President, Chief of Staff

expressed gratitude for the committee’s work and praised Kristie Orr and her staff for the fine work they are doing at Texas A&M. She shared the inspiration from her son, who has a disability, for improving her leadership and life’s work.

1. **Approval of Committee Member** **Absences as Submitted**

Absent members: Emma Faye Rudkin, Joseph Muniz, Neva Fairchild

Ms. Cano motioned to approve the three absences. Ms. Taylor seconded. Approved.

1. **Approval of Summary Minutes - Amarillo Quarterly Meeting**

**February 23 - 24, 2023** Dr. Orr motioned to approve the Amarillo Quarterly Meeting Minutes. Mr. Lindsay seconded. Approved.

1. **Public Comment**

**Mara Laviolla** provided public commentabout Cortical Vision Impairment, CVI, a brain-based form of blindness. CVI is the leading cause of blindness in children worldwide and it is significantly underdiagnosed. She asked that Texas recognize the urgency of the need to diagnose early because failure to do so leads to severe educational loss and adverse life outcomes. Children with CVI require medical providers, educators, and policy makers to take action now. Ms. Laviolla pointed out that Texas must develop a screening program, devise, and maintain a database for at-risk children and monitor them, educate parents and educators on behavioral manifestations of CVI. She stressed the need to increase the availability of special support providers and recommended expansion of the definition of blindness in our minds and in our policy to ensure that school adhere to their duty and mandate that these children receive systematic instruction in all core areas.

**Sue Burek** provided public comment about the accuracy of medical needs assessments forms completed by Medicaid Managed Care Organizations (MCOs), particularly for the STAR Plus Waiver Program. She spoke on behalf of families of three adults with disabilities who applied for the STAR Plus HBCS in 2023 and 2024 and were denied due to errors on the medical necessity assessment form. Excessive errors were found on the forms filled out by medical professionals on three cases, with more than 40 errors on each. Ms. Burek said there is a formal set of instructions for how to fill out the forms, this issue needs to be addressed.

**Linda Litzinger** provided public commenton effects of SSDI benefits reduction to disabled adult children upon the death of their parents. The recipient must quit their job to avoid going over the cap and are penalized by having to appeal keep their waiver. Ms. Litzinger recommended waiver manuals be updated; to ask HHSC to investigate this deeply and determine what is allowed to make all the manuals equal. This problem continues and it is not sufficient to make it an exceptional item session after session. Ms. Griffin, Budget & Policy liaison, clarified that this issue concerns two caps, one for services and the cap on the individual’s income. Mr. Lucey asked if the cost-of-living increase with Social Security, jeopardizes benefits. Ms. Litzinger noted future risks for adult children who may be institutionalized after their parents’ death if monetary assets in their estates are too high for waivers to be safe or maintained.

**Jorge Saenz provided public comment** regarding the GCPD has experience using innovative technology to improve IT and OT to increase effectiveness of challenges to cyber security that support customer needs. He outlined concerns about lack of proper training and education in curriculums and asked if an updated version of the ADA should be adopted to allow innovative strategies to improve outdated processes. Ms. Bauman asked for clarification of his question and for direction. He recommended partnering with state risk management for continuity of operations in planning and critical government functions for Texans under any conditions. As an employer, he noted issues with lack of proper training in the private and public sector.

**Ms. Peden** commented that TWC VR works with employers for incentives for hiring people with disabilities. She recommended he reach out to the local workforce solutions office to find training resources.

**Ms. Cano** asked Mr. Saenz if he’s addressing people with disabilities seeking employment for accommodation or a generalized need. He replied that it is generalized and that businesses are not innovative enough. Ms. Cano added that she works through the RGV DCC to train employers to help close the gap to employers understanding the value people with disabilities bring to the workforce. She recommended the local SHERM Board for input to boards and committees.

**Reba Tony** provided public comment about her living situation in Freeman House, a Faith Based Fresh Start Home in Richardson. Ms. Tony outlined several issues including charging a full month’s rent to renters with disabilities while only requiring weekly rent payments from non-disabled residents. Ms. Tony filed a Civil Rights complaint, but she feels this is a larger issue.

**Mr. Lucey** asked Ms. Peden to help connect Ms. Tony by following up with the TWC Civil Rights Office about her concerns.

**Randi Turner provided public comment** about TEA language acquisition testing of children from birth to eight years old. She provided a link to the TEA report. [https://tea.texas.gov/about-tea/government-relations-and-legal/government-relations/lang-acquisition-dhh-august-2023-report-finalized.pdf](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftea.texas.gov%2Fabout-tea%2Fgovernment-relations-and-legal%2Fgovernment-relations%2Flang-acquisition-dhh-august-2023-report-finalized.pdf&data=05%7C02%7CGCPD.MailDrop%40gov.texas.gov%7C29c33e6a13e44c537e0708dcabfad05b%7C54cb5da6c7344242bbc25c947e85fb2c%7C0%7C1%7C638574340941980586%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=esXSiGOrLIw0ihitoOSSDAuWrb8H7h91oZQzHSIvuUM%3D&reserved=0)

Results of this report show a significant number (72.3%) of deaf children are below expectations for language acquisition while only 27.7% met or exceeded expectations. Ms. Turner shared concern that this report does not address how the education system will bring these kids up to par.

**Mr. Lucey** inquired as to whether TEA is looking at this strategically. Dr. Lieberman commented that she’d prefer to review the testing data and noted it’s not uncommon for children who are Deaf and Hard of Hearing to struggle with language acquisition, especially in English.

**Kristin Bartham,** disabled Veteran**,** provided public comment about struggles of childcare access and affordability in San Antonio. Specifically, summer camp and full day care for her son with special needs on the Ft. Sam Houston base. Current programs have a long waitlist and seeking civilian childcare is time consuming and costly. Ms. Bartham suggested researching funding ideas for students with IEP or 504 plans. **Mr. Lucey** asked Ms. Peden about TWC childcare grants (Reagan Miller) and noted GCPD will follow up with OOG Military Preparedness Program to explore options.

**Chris McKenzie,** owner ofDeaf Employment & Advocacy Firm, who specializes in job placement services for Texas Workforce Commission submitted written comment. He outlined issues with TWC management; mainly the budget shortfall that prevented TWC from making timely payments to vendors resulting in delays in customer services, stating that this left clients, vendors, and VR counselors frustrated. He wrote that in 2023, management instructed VR counselors to cover up these budget issues and smooth things over with vendors and customers. Mr. McKenzie noted that counselors felt this practice was dishonest. He received notification from TWC units that services could not be provided until the new fiscal year began. This hindered customers from job interviewing and job placement. This situation has damaged trust between clients, providers, and counselors. He asked the GCPD to appoint an independent auditor to investigate the issues within TWC.

**Ms. Peden** responded that Mr. McKenzie has not been in contact with her or, to her knowledge, Director Cheryl Fuller. Regarding lack of funding, Ms. Peden stated there is money right now at TWC, and they have distributed funds at the state and regional level. Discussions are in process to move the client service budget down to the caseload level. In the event they feel they don’t have funding; counselors should reach out to their regional offices to secure funds for their caseload budget.

**Alpha Ibanda provided public comment. He states he** had a stroke in 2023 and wants to get training. He stated he’s having trouble finding a job with his case manager because she doesn’t know anything.

**Mark Gowan**, President of Angel Medical provided public comment on DME supply problems during natural disasters. He highlighted the continued problems of shortages in supply and provision of oxygen and other durable medical equipment and services ever since Hurricane Harvey. During the past several years of floods and hurricanes, individuals reliant on DME had to go to hospitals because they could not fill their oxygen cylinders. Small companies like Mr. Gowan’s had to provide supplies for free. He described how MCOs could allow out-of-network providers during declared disasters could remedy these issues. The numbers of oxygen providers are severely low in the Houston area. Mr. Lucey remarked that the GCPD plans to reestablish the Back-up Power DME Taskforce with previous providers. Mr. Lucey mentioned the GCPD is considering holding our first meeting of 2025 in Houston and looks forward to working with Mr. Gowan.

**Listening to the College Station Disability Community**

* 1. **Brazos Valley Council of Governments** - **Michael Parks, Executive Director** remarked how grateful he is to have learned about the GCPD and the work. He expressed gratitude for the Americans with Disabilities Act.The Brazos Valley COG manages numerous programs that include Aging and Disability Resources, 9-1-1 Regional Planning, County Indigent Healthcare, Public Safety Planning, and Transportation to name a few. A comprehensive list is available in the GCPD meeting materials files. He pointed out that the BV COG is a clearing house for referrals for any and everyone in the region. Vocational Rehabilitation and Aging and Disability Resource Center are two areas of very important focus. They view their purpose as a comprehensive concierges’ service. Some challenges he pointed out were barriers to helping pay rent for tenants in need due to regulations and lack of funding to promote or advertise the COG services. Mr. Parks also mentioned administrative complexities that make it hard to utilize financial resources. Mr. Lucey asked about interest in the BV COG working to build a citizens or Mayor’s committee. Mr. Parks enthusiastically agreed to work toward this goal, stating they desperately need it.

**Brazos Valley Center for Independent Living (BVCIL)** **Craig Davis, Program Manager** highlighted the focus of the CIL. They provide independent living skills, are client controlled, community based, non-residential and serve across all disabilities and in five counties; providing independent living and transition employability training skills for high school students with disabilities. The BVCIL is nimble and works well with partners and outreach in the rural areas.

**Raquel** **Masco**, **Manager of Transportation Services,** stated that 51% of the BVCIL staff lives with disabilities. Their transportation program is above and beyond paratransit. All eight of their vehicles are wheelchair accessible; they have five vans, two paratransit, and one big bus. The transportation program works on holidays, weekends and evenings which fills in the gap from public transportation which only operates during daytime hours. BVCIL transportation serves all people of all ages from birth to death, they take folks to their jobs and to medical treatments such as kidney dialysis. They provided accessible transportation for the 25th Anniversary of the Signing of the ADA event with President George HW Bush and Mrs. Barbara Bush.

The program serves all five counties and ask consumers for 48 hours advance notice. Trips are $3.50, veterans ride for free. Funding resources come from a partnership with transit services.

* 1. **MHMR Authority of Brazos Valley** - **Robert Reed, Director Behavioral Health,**

gave an overview of services. They are one of 39 centers across Texas serving seven counties, providing emergency crisis, case management, and respite care services.

Mr. Reed highlighted some challenges, the biggest currently is workforce. Since they are a safety net for all the crisis situations seven days a week, it has created a burden on their work force to be able to recruit and maintain staffing. Another major challenge is housing unaffordability which has increased homelessness and the funds available are not enough to keep up with the need. This results in a vicious cycle, as many individuals end up hospitalized. Likewise, there are issues with timing of how long it takes to get them into subsidized housing.

**Jermaine East** added that wage issues for direct care workers is a crisis. Mr. East asked the GCPD to make this known to the Legislature, noting it would help make productive prosperous lives. Mr. Lucey assured him that this is our top policy priority as a committee. Mr. Lucey asked Mr. Reed two questions:
1. Is the MHMR Authority of Brazos Valley working with judges on felony diversion courts for people with criminal justice cases? Mr. Reed replied that yes, they are sending in staff to address these matters.

2. Mr. Lucey’s second question was “How closely are you aligned with Texas A&M University to fill some workforce needs?” Mr. Reed stated that they offer practicum opportunities for both TAMU and Sam Houston State University, noting that TAMU master’s level Psychology students gain experience in diagnostics as well.

1. **Three Inclusive Higher Education Programs, One University: Promoting Choice for Students and Families –** Dr. Jade Wu, HOPS Program Director; Anita Lang, Aggie ACHIEVE Program Director; Leticia LaSota, PATHS Program Director

**Meagan Orsag, TAMU Center for Excellence and Development Disabilities,** described the core functions of the center. There are 67 centers like this across the United States. The core functions are interdisciplinary training for graduate students and post‑secondary programs, community education and technical assistance, research, evaluation of disability and disaster, and information dissemination. Ms. Orsag highlighted accessible post-secondary education for students with disabilities. These include 4-year university, 2-year community college, certification programs, technical, trade school, career schools, college access schools, Gary Job Corps, and Independent Living Centers. She emphasized the programs’ philosophy that when students have access to post-secondary education, they can graduate with independent living skills and an industry recognized credential where they can gain employment and work alongside peers without disabilities, contribute to communities.

**Anita Lang, Director of Aggie Achieve,** highlighted the four-year program for students with intellectual and developmental disabilities. It is a comprehensive transition program. Students can receive financial aid, work study and any service as other students. Upon successful completion of the program, they receive a certificate from the College of Education and Human Development. Currently, the program does not offer industry recognized credentials. FASFA recognizes the program.

**Dr**. **Jade Wu, Work and College Opportunities (WACO) and Horticulture Options in Plant Sciences (HOPS)**

Dr. Wu outlined the details of WACO which is a pre-requisite to HOPS. The WACO Program is a six-week summer residential program that provides training in campus mobility (using Aggie buses), social security benefits training, disability services information, and assistive technology training to teach students to learn how to use the course management system. Additionally, students get training in kitchen safety and cooking. Next the students take college courses augmented by self‑determination, professionalism, a healthy relationships class, and the favorite class, Intro to Horticulture. The Horticulture Options in Plant Sciences, HOPS, is ideal for those who love working with plants. HOPS offers three field tracts: Floral Design, Landscape Management, and Greenhouse and Nursery Production. The tracts provide enrichment courses, career exploration and practicums to give students experience for the job market. Additionally, driver education courses are offered.

**Leticia LaSota, PATHS Program Director**, the post‑secondary access and training program in Human Services. There are several tracts, the childcare professional, direct support professional (for teacher’s aide work), and direct support professional (working in private homes or nursing homes with the elderly). Students graduate with an industry‑recognized certificate. The main goal of this program is to get the students ready for the workforce. The students develop independent living skills they need to live on their own, to get a job and keep a job once they graduate from the program. The students complete 480 practicum hours to get their industry recognized certification. Many students graduate from the program with a job.

**Ron Lucey** asked if there are efforts in place to grow this program to replicate the success of these programs. For the 89th session the GCPD would like to see a copy of Dr. Wu’s report to add to the list of policy recommendations. Ms. Bauman asked about living support for the students in the dorms. Ms. Orsag said they have initial support from mentors and RAs which helps the transition for parents as well. Dr. Lieberman asked about partnering with other universities that have centers for research on Autism. Ms. Orsag stated that they are working to string together programs in Texas.

1. **Reports from Invited ExOfficio Agency Representatives, includes follow up topics from previous meetings**
	1. **Texas Department of Licensing and Regulation** - Charlotte Melder announced that TDLR has a new Executive Director, Courtney Arbour, who previously served as Workforce Development Director at TWC.

Ms. Melder gave highlights of TDLR strategic plan for 2025-2029. The strategic plan covers priorities for the upcoming legislative session. TDLR is seeking funding for a new Legacy System replacement project to improve the searches for licensing projects. Also, they are asking for a cleanup bill to regulate advisory boards and standardize them. Additionally, they are looking for a statutory provision to allow TDLR to work with TEA to support career and technical education programs to help people get licenses sooner. Many people are retiring and there are limited licensed professionals. This provision will help fill the gap from people retiring. TDLR is aiming to complete the implementation of the architectural barriers bill that made procedural change that removes the extra 90 days for a building to amend a violation. The GCPD has received calls about broken elevators in multilevel apartment buildings and how it’s causing concerns for public safety. Ms. Melder said to refer complaints about broken elevators and unresponsive management to TDLR for violation investigation. The reasons for the elevator issues include lack of education, unregulated elevators, and labor shortages. Another update is that TDLR is ramping up human trafficking investigations, outreach, and training law enforcement. Due to construction being so high in the last four years, construction project registrations in Texas are over 2000 per month. To meet this growth need TDLR is revising TAS and hiring extra staff.

* 1. **Texas Education Agency** – Kristin McGuire reported that a lot of commissioner rule making changes are happening some due to legislation from the last Legislative Session and due to questions from the field and compliance issues. She included a list within her TEA report. They include some education requirements and IEP requirements. Ms. McGuire pointed out there are proposed changes in SB133 and groups working through issues concerning student de-escalation, time-out, and general crisis management. Additionally, the Dyslexia Handbook has been adopted by the State Board of Education. All the updates can be found in the TEA ExOfficio Report. Mr. Lucey complimented TEA staff for helping Neva Fairchild, with the K-12 Braille Literacy Subcommittee.
	2. **Texas Workforce Commission** – Claudia Peden provided updates on SB 55 relating to a report by the Texas Higher Education Coordinating Board regarding best practices for assisting students with Autism Spectrum Disorder. TWC is discussing funds related to non-degree post-secondary opportunities specifically ELEVAR (Empower, Learn, Excel, envision, Advance, Rise), at UNT, Bobcat Rise at Texas State University and Aggie Achieve at TAMU.

Another legislative item update is Senate Bill 50 (87th Legislative Session). This law directs HHSC to establish rules and processes that comply with Texas employment first policy. Field staff now has the awareness of the law and the forms required by TWC to release individualized data. Ms. Peden also mentioned a new hybrid assistive technology program through the East Texas Lighthouse for the Blind. In FY2024, the VR program served 63,039 customers, 7,198 of this group have achieved employment. Ms. Peden followed up to a question from Ms. Fairchild at the GCPD April meeting regarding number of students who are blind or visually impaired in the summer Earn and Learn and I Grow Programs. She stated there were 694 students who participated in Earn and Learn. They do not have data for the I Grow Program. Ms. Peden also reported on the issue of delayed services from the AgrAbility participant (GCPD was informed of this at the Amarillo Quarterly Meeting). TWC VR learned the delays were related to several factors which included search for the vehicle and specific parts needed, and pandemic related delays. The customer has since received the modification for the farm equipment and TWC VR is staying in contact with him. She said TWC VR will continue to train staff on the importance of timely services and communicating with customers.

* 1. **Health and Human Services Commission** – Lana Estevilla, filling in for Clair Benitez, highlighted several updates from HHSC. A summary of updates included a final access rule for Medicare and Medicaid services, communications campaign for informing recipients about Medicaid unwinding, new federal waiver to allow MCOs to help with renewal applications and transitioning to different health programs if no longer eligible for Medicaid. Additionally, Ms. Estevilla reported on the Deafblind Awareness Week events, which were outstanding. Additional updates were two stakeholder summit events for the Promoting Independence Plan (PIP), an informational webinar about the Certificate of Deafness for Tuition Waiver (CODTW), and the expansion of opportunities for El Paso State Supported Living Center Residents with the new El Paso Sports Complex. Details on all the updates are in the HHSC ExOfficio Report. Keisha Rowe provided an update to the Specialized STAP Program backlog. Currently there are 1,835 applications pending, and HHSC is on target to have these processed by August 31st.
	2. **Department of Family and Protective** **Services** – Brock Boudreau reported that APS is still working on changes to the passage of HB 4696 to consolidate investigations of abuse, neglect, and exploitation of folks with disabilities. Additionally, APS is working on complex medical needs of older adults in a Harris County pilot program. CPS had a Lunch & Learn in Concho County which focused on youth with IDD and transitioning to adult age with the possibility of becoming guardians of the state. DFPS has a new dashboard set up to track those folks transitioning to HHSC. There is good news about the recommendations from GCPD. DFPS has identified 50 youth who are Deaf and Hard of Hearing, and now they have the FTE for single point of contact. The staff position has been moved over in CAPS reports to Mr. Boudreau.

Mr. Lucey asked Mr. Boudreau and Ms. Peden what can be done to help kids aging out of the foster system and having a VR counselor present in their life until they achieve competitive employment. TWC has a foster youth initiative with VR. Ms. Peden will check with Erin Wilder to see how they’re partnering with DFPS.

1. **Texas Department of Criminal** **Justice** – **April Zamora** shared highlights of the rehabilitation programs within TDCJ. She witnessed the joy of several women graduating from the reentry program in Gatesville. She shared key updates that include implementation of a grant funded mental health peer specialist program in collaboration with Via Hope, which aims to provide quality services to inmates with mental health diagnoses and utilizes peer support from those who have experienced recovery themselves. Ms. Zamora pointed out the high value of this program is that employment through local mental health authority contractors will be available to these trained peer specialists once they are released from prison. Another update is the introduction of mobile medical services to enhance care for inmates, including gynecology, ultrasound, and physical therapy, reducing the need for long-distance travel to clinics. The rehabilitation and reentry programs will focus on continuity of care, especially the special needs population, including veterans. Ms. Zamora stated they are actively pursuing diversion opportunities to connect individuals with mental health care before they enter the prison system and continue collaboration with the judicial commission and statewide behavioral health council to improve outcomes for this vulnerable population. The number of inmates enrolled in special education programs as of May 2024 is 256, with 30 students receiving 504 accommodations. It is also important to note that 37.23% of their inmate population has a mental health diagnosis. TDJC will take an aggressive approach to work with the mental health population through diversion opportunities.
2. **Policy Recommendation Development based on the Committee’s Issue Areas**
	1. Social Security Benefits and VR Services Upon Reentry

Mr. Lucey brought up the Committee’s question about how a person going through re-entry from jail or prison, can restore Social Security benefits and application for VR Services. The GCPD is looking for a systematic approach to this issue. Ms. Zamora explained their program has 12 human service specialists across Texas to assist inmates approaching their discharge date in the application process for SSDI or SSI. For inmates who’ve been in less than one year, TDJC works with the reinstatement process. These processes are prioritized for people with disabilities in psychiatric units, geriatric, or terminally ill. Ms. Zamora said timing of this process should be started six months ahead of release. **Brandon Wood**, Texas Commission on Jail Standards, discussed the standard for county jails for this process. He noted examples of people with mental health disabilities being released without notification and resulting complications. The gaps that exist with counties not being required to notify Social Security present challenges. Mr. Wood is focusing on ways to do a better job all around in this area. Mr. Lucey indicated working with mental health care in pre-release within the counties can save money rather than accessing services through Medicare or Medicaid and Mr. Wood agreed. Ms. Bauman asked if we could tighten up by rule within HHSC or go back to the legislature and tighten up HB337. Mr. Wood indicated this will need legislative action.

1. Preserving and Accessing School Records for Students with Disabilities

**Gordon Butler,** Williamson County Mental Health Docket discussed their work on lowering the recidivism rate among those who live with mental illness and substance abuse. This work is implemented by a team of peer support specialists, employment specialists, and occupational therapists, a small team for the entire judicial system. Mr. Butler said they’ve had success with people having felony charges dropped. Finding school records is important as it opens the door to starting the process for helping the individual get a driver license, birth certificate, social security card, etc. It is difficult to get the school records, especially for adults with Autism and if they attended school in a different state. If the records are not available because of age it makes the process tedious.

**Sonja Burns** has taken the school records issue to several Legislative Sessions. She proposes a partnership between TEA and HHSC so parents/guardians are informed while still in school. They could opt into a school records repository. Having something where the school records live would help. Ms. Burns said there was pushback from the Legislature and no bill was ever filed.

1. Support Full Funding of TWC Vocational Rehabilitation Program’s 2026-27 Biennial Budget and Improve TWC Vocational Rehabilitation Program’s Timeliness in Client and Provider services. – **Norine Jaloway Gill, APSE Board** gave an overview of the Texas Association of People Supporting Employment First (APSE). The Texas Chapter focus on Employment First to facilitate full inclusion of people with disabilities in the workplace and community. APSE members are providers and family members Ms. Gill outlined recommendations from the “TWC-VR Provider Fee Structure Analysis” by the Public Consulting Group (PCG), August 2023. . An issue that needs addressing is lag of services due to inconsistencies in paperwork from agencies such as TWC VR Services. The recommendation is to develop a clerical infrastructure as well as technology to work with VR, this could improve communications and flow of processing payments and service delivery. The second recommendation from the PCG report is to implement updated rates to reflect provider cost in the current economic environment. Mr. Lucey asked if there was a fiscal note associated with the PCG report. Complex issues were noted between the RSA, VR and funding, and the difficulties in filling VR positions across the country. Ms. Peden noted that TWC’s VR budget includes administrative costs including salaries. The average VR Counselor I salary is now $50,000 annually, per Ms. Peden. Dr. Liebermanmotioned to support this recommendation for full state general revenue appropriations for TWC VR Services to match the full federal allotment from the RSA for the next fiscal biennium. The motion was seconded by Ben Willis. No opposition, motion carried.
2. Updating Aira Policy Proposal – Tabled until future meeting
3. Addressing Accessible Parking Enforcement – see Public Comment by Kyle Cox
4. Disability Pathway to Pre-K - **Myra** **Johnson** discussed the need to expand pathways for enrollment eligibility of Public Pre-K to students with disabilities. Ms. Johnson said they can provide FAPE or the least restrictive environment, but not both. Dr. Lieberman said that Pre-K teachers hesitate to get certified in SPED because that means you can have any student with a disability placed in your general education classroom and it’s hard to find teachers dually certified. Ms. McGuire stated that this would have a significant fiscal note. An amendment is needed to allow students to be placed in the most suitable classroom which will serve them more appropriately. Mr. Lucey asked the committee if this policy should be considered among the top 20 policies. Dr. Lieberman and Ms. Cano said, yes this is a top 20 policy priority. Dr. Lieberman made a motion to move forward and take this proposal to the legislature, seconded by Ms. Cano. No objections, motion passed.
5. STAP DME Replacement and Multiple Applications for a Single Residence

The increase in natural disasters effects STAP recipients in a dangerous way. Currently, if a person’s device is lost or damaged due to a hurricane or other disaster, the person must still wait the full five years to apply for another voucher, which leaves people unable to fully recover from disasters. The Committee raised concern about prohibition of allowing individual applications for multiple adults with disabilities living in group homes or in a single-family household. Mr. Lucey commented that when the program began in the 1990s there were landlines with one telecommunication device for an entire household. As telecommunications has changed, rejections of applications have occurred because of multiple people living at one address but still needing separate devices. This is outdated and does not serve the needs of individuals needing equipment. **Ms. Rowe** replied that while STAP does not have a rule, they have used flexibility of HHSC requesting the governor’s office to replace the needed items in emergencies so the person would not have to wait five years. She acknowledged that a rule may be needed, and they are on the same page as the GCPD. On the issue of multiple residents having the ability to receive individual STAP vouchers, she said there is no prohibition. They use an attestation letter that says the person is financially independent is in the language to ensure equipment is not given to the same person repeatedly. Mr. Lucey added that the attestation form could benefit from plain language to mitigate confusion out in the community. Dr. Orr motioned to support the policy as written, Mr. Willis seconded. No objections, motion approved.

1. Adaptive Fishing Policy Recommendation – Tabled until future meeting
2. Evacuation chair for college and university buildings – Tabled until future meeting

***Meeting Recessed at 4:59 pm***

 **July 26, 2024**

 **Reconvened 9:03 a.m.** Called to Order - Ellen Bauman, Vice Chair

 Roll Call: Richard Martinez, Lauren Taylor, Kori Allen, Elyse Lieberman,

 Eric Lindsay, Kristie Orr, Benjamin Willis, Ellen Bauman

**Public Comment**

**Kyle Cox, TAMU Student** related how impressed he is with the GCPD. Mr. Cox related that he was here in support of two topics. First, accessible parking for modified vehicles with a wheelchair lift. He suggested a policy for the legislature to require all to have training on the proper usage of the accessible parking spaces. He frequently gets trapped by people blocking the access aisle between vehicles. He recommends legislation to increase the fine for accessible parking violations for blocking the access aisle to $500 with an option to take training like defensive driving for $50. Mr. Cox highlighted his second issue for proposed legislation that concerns the income limit for people who receive waivers for personal care assistance. Once he completes his Ph.D., he’s at risk for losing his waiver because the cap is $2700 a month. Mr. Cox is asking the GCPD to help find a path for people like him to be both taxpayers and consumers, because right now individuals must choose to be one or the other. Mr. Lucey commented that the GCPD supports the recommendation for education of people who illegally park in lieu of a fine. Research around the country has indicated that people who take the course are less likely to illegally park in accessible spaces. Ms. Allen mentioned an idea to offer an educational course for accessible parking in regular driver education. Dr. Orr stated that seeing students get their education and be forced to be underemployed to keep the waiver for health care is disheartening. Ms. Taylor invited Mr. Cox to discuss the Medicaid Buy In Waiver, as she is a recipient. The information online is incorrect. She is employed in a master’s level job still able to keep her benefits waiver. She said it was difficult to work out, but she has lived experience to share with Mr. Cox. He welcomed the conversation.

**Barbara Brewer** provided public comment, sharing her son’s negative experience with TWC VR services. He applied for services last December and has not received any services, was told there was no money to go to college, then told he must apply for Social Security and then had to take a 6–8-hour neuropsychological projective personality evaluation. When the VR Counselor made his Individual Plan for Employment (IPE), and it turned out the Ticket to Work was built into the IPE. Ms. Brewer stated that the computer system will not allow opting out even though Ticket to Work is not mandatory, this violates informed choice. These complications stem from the Sunset Review that closed DARS and moved VR to Texas Workforce Commission. Ms. Brewer said that many people are not getting services with TWC doing a poor job. Disability Rights Texas is involved with the Brewer’s situation. Ms. Brewer stated, “We are going all the way up to the Board of Education because it's not just in the state of Texas, it’s a national problem.”

**Stephanie Oates** provided public comment, revisiting her comment at the January meeting about being a Deafblind Intervenor for her brother, where she learned about the vital support given by Intervenors in hospital settings. Ms. Oates requested that a Texas DBMD hospital intervenor task force be formed. A multi-disciplined collaboration of hospital system specialists, legislators, educators, Universities, physicians, and families will study and identify health communication issues for patients with disabilities and develop models that can lead to systemic change in hospital environments. DBMD is small, yet it is the best catalyst for Texas to begin tackling this enormous issue that will ultimately lead to better patient outcomes.

**Ms. Holgwin** provided public comment asan educational advocate in the Dyslexia area, commenting on TEA’s new curriculum. She noted that many have concerns that it has a religious component. Ms. Holgwin reviewed the curriculum and does not believe it is researched and evidence based. There are words and components above a kindergarten level or expectation. Students with disabilities like dyslexia and other learning differences will be further excluded from education equality. Also, she noted that the 60-dollar incentive for this material can be damaging. Dr. Lieberman indicated she will learn more about the curriculum and report on it in October.

**Ms. Holgwin** added a comment relatingher recent experience in an emergency room as she had a seizure. She received good care from admitting treatment team, but the Emergency team treated her awfully; she was nonverbal at the time due to her seizure. This helped her realize how desperately the Deafblind population, and anyone who is nonverbal need Intervenors.

**Sonja Burns** provided public comment discussing the issue of holding on to school records for seven years. She gave an example of a 56-year-old man whose mother was sent to a nursing home and his behavioral reaction resulted in an arrest/in jail. The problem is proving he has IDD is not feasible because the diagnostic records are gone. People are sitting in jail for over a year. Ellen Bauman directed staff to continue to look at this and create a subcommittee for this topic. She clarified the records needed would be school records to prove IDD and qualify him for living in a state supported living center and access to other services. The older population is increasing with these issues. Another problem is a long-term population where the person is too acute to voluntarily engage and not acute enough for in-patient care. We have nothing to help these individuals. There was dialogue between Mr. Lucey and Dr. Lieberman about changes in student retention records that can be found in the transcript Day 2., page 16. Dr. Lieberman noted a caveat in the Texas State Library Records Retention for special education records. It states that the retention requirements are five years and they must be retained permanently in some form on each student in grades 9‑12, participating in a special education program. Name, last‑known address, student I.D., Social Security number, grades, classes attended, grade level, and year completed. If a transcript is created for this student and maintained among those for students in the regular population, it's not necessary for special education record custodians to maintain that information beyond five years after the cessation of services. So, in other words, if they keep their records permanently for all students, they don't need to have a special collection of records for students who were served in special education. If they do not maintain records for all students then they need to ensure they maintain those records for students who were served in special populations.

The other requirement that has happened over the last 10 years, is a summary of performance as provided to students when they graduate from high school that includes their last full individual evaluation and their most recent IEP. The retention note is you must save the demographic information permanently. Their full special education record which is five years and then the remainder of their demographic information is a permanent record. This caveat does not specify participation in a special program.

**Peggy Hinkle-Wolf** provided public comment on the new reading and language arts curriculum for children K-5 which has been in the news because of the religious content. She said Commissioner Mike Morath has said education is moving toward a classical based liberal arts education. She noted that her child with Autism discovered that reading is fun and that good teachers know how to meet students where they are. Ms. Hinkle-Wolf expressed her opinion that TEA is poised to waste decades of progress, teaching to read in this new curriculum could leave Texas children behind.

**Dawn Michelle Moses** provided public comment and expressed grievances with TWC and the Civil Rights Office. She says she was evicted from her housing and the notice to vacate was not delivered appropriately. TWC presided over the case; she said the agency is corrupt and does not care. Ms. Bauman told Ms. Moses that the Committee will ask Ms. Peden to follow up with her.

**Chinique Lewis** sent written public comment about reactivating a guardianship reform subcommittee. She related that Lancaster parent support services is on board to work together. She will send a proposal to Ms. Bauman and Mr. Lucey for the subcommittee to meet.

1. **Presentation on Southwest ADA Center’s Technical Assistance, Training, and Information Dissemination on the Americans with Disabilities Act** – Marisa Demaya, Deputy Director, Training, and Information Coordinator gave a summary of services. She detailed the types of phone calls SWADA has been receiving recently which include Social Security disability related benefits being dropped; some individuals are newly disabled and don’t realize SWADA does not work with SS. Other calls SWADA gets are regarding architectural barriers, employment and fair housing, and service animal related calls. Also, calls about facility access: movie theatres, grocery stores, sports arenas, Parking issues, elevators in disrepair. Universities and colleges barriers include doorways not wide enough, doors weight too heavy, and inaccessible laboratories. SWADA serves Arkansas, Louisiana, New Mexico, Oklahoma in addition to Texas.

**ADA Employment Discrimination Complaints by the TWC Civil Rights Division - An exposition of the CRD annual report, and explanation of the employment discrimination process -** Robert Gonzalez, EEO Manager, stated the mission of TWC CRD is “The relentless pursuit of empowered Texans.” He said they seek to prevent and reduce employment and housing discrimination. Enforcement is the biggest part of what they do while trying to emphasize education and outreach. The core principles are comprehensive customer service, critical thinking, analysis, and to be courteously assertive and proactive. He discussed dual file process, and that an individual who experienced disability discrimination at work, cannot file the same complaint with both EOC and CRD. The time to complete a case is lengthy. Mr. Gonzalez said it takes an average of 400 days from the opening of a file to the time the case is closed. He said the CRD has a goal to reduce the backlog. Mr. Eric Lindsey expressed concern about the lengthy time frame for resolving an employment discrimination complaint. He said it would be less likely that a job would still be open if an employee with a disability were unlawfully fired from their job and there was a finding of discrimination over a year later.

1. **Future Meeting** – The October meeting will be in Lancaster, Texas at Dallas College Cedar Valley Campus on October 29, 2024 (one day).

Dr. Lieberman proposed adding a unit of instruction on the ADA to the 7th grade social studies Texas history component since so many Texans were involved in the Disability Rights Movement! And recommend that TAMU be involved in developing the course. Mr. Willis seconded the motion. No opposition. Motion passed.

1. **Adjournment** – Ellen Bauman, Vice Chair adjourned the meeting at 11:17 a.m.

**Meeting Follow up and Action Items**

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| **Topic** | **Action** | **Responsible Party** |
| Cortical Visual Impairment screening and diagnosis. | GCPD staff work with Ms. Laviolla and healthcare professionals to develop a formal proposal to bring back to the Committee at a later meeting. | Ron LuceyRebecca Lopez Ms. Laviolla |
| Extensive errors on assessment forms by MCOs resulting in denial of waivers. | Have HHSC look at errors on MCO reasons to determine if the reason is systemic. Ask if HHSC can propose remedies such as more training, more auditing, speed up appeals process. | HHSC Clair Benitez and GCPD staff |
| Issues with release of inmates with mental/behavioral health issues without notification to HHSC | Highlight HB337 and see if HHSC has staff or local agreements with MH authorities or LIDDAs | HHSC and Texas Commission on Jail Standards  |
| Issues with exceeding the cap of attendant care wages and of wages earned by people with disabilities and risk of losing waivers. | Continue to work to develop a coherent and specific proposal for the legislature. | GCPD and Ms. Litzinger |
| AIRA Policy Proposal | Update AIRA Policy Proposal | Ron Lucey |
| Fair treatment in housing of people with disabilities in fresh start faith-based home rent and personal freedoms  | GCPD share contact with Ms. Peden to follow up with TWC Civil Rights Office on Ms. Reba Tony’s complaint. | Claudia Peden, TWC  |
| Childcare assistance to military families | Determine if TWC has grant funding for childcare assistancefor military families. And if OOG Division of Military Preparedness has information on this issue. | TWC Reagan MillerMr. Lucey confer with Keith Graf, Military Preparedness Division of OOG |
| Implement updated rates recommendation from PCG report presented by Norine Jaloway Gill, APSE | Dr. Lieberman made motion to support full state revenue appropriations with TWC VR to match the full federal allotment from the RSA for the next fiscal biennium | Ms. Peden added that TWC VR is reviewing prioritizing the recommended rates by PCG. She will bring an update to the October meeting. |
| Chris McKenzie’s public comment about lack of funds at TWC and mismanagement which prevented customer’s receiving services | TWC will investigate this issue that there were no funds and report back to GCPD in October. | Claudia Peden |
| School records retention time frame and issues for proving IDD diagnosis | Ellen Bauman directed staff to continue to look at this and create a subcommittee for this topic.  | Ron Lucey |
| Mental health care in pre-release within the county jails. | Work on policy to the legislature to tighten up HB337. | GCPD Ron Lucey |
| Deaf and Hard of Hearing students behind in language acquisition | Follow up with Dr. Lieberman in her new role/TEA ExOfficio.She will research and report on how to address the data. | Carolyn S. sent reminder to Elyse Lieberman to gather information & report at 10/29 meeting. |
| Post secondary education programs for students with developmental disabilities | For the 89th session the GCPD would like to see a copy of Dr. Wu’s report to add to the list of policy recommendations | Ron LuceyRebecca LopezDr. Wu |
| School records being available to determine IDD diagnosis  | Work to establish a subcommittee for this issue | Ellen Bauman, Elyse Lieberman, and Carolyn Saathoff |
| The need to expand awareness about services offered by the Brazos Valley COG  | GCPD staff meet with Michael Parks (BVCOG) to develop a citizens’ Mayors Committee on People with Disabilities | Norman Kieke and Mr. Parks |
| Eligibility for keeping personal care assistance waiver with income earning cap | Kyle Cox asked that legislation be pushed for ability to be on Medicaid whether it’s due to being poor or medical need. | Ron Lucey noted to follow up. Carolyn S. connected Mr. Cox with GCPD member Lauren Taylor  |
| Kyle Cox’s concern about Medicaid Buy In Waiver and finishing his PhD | Lauren Taylor offered to discuss how to navigate the Medicaid Buy In Waiver from her experience  | Carolyn Saathoff connected through email |
| House Bill 337 (85th Session, 2017) discussion with Brandon Wood regarding counties contacting the state for indigent care release process | Contact HHSC to check if they are contacted and have agreements with mental health authorities or LIDDAsto solve this problem and reduce recidivism.  | Ron Lucey and Clair Benitez HHSC |
| Dawn Moses public comment that TWC CRD does not care | Ms. Bauman asked TWC VR to follow up with Ms. Moses | Claudia Peden |
| TEA’s new curriculum  | Gather information on the curriculum and report 10/29 | Elyse Lieberman |
| Re-activating the Guardianship Reform Subcommittee | Send proposal to Ms. Bauman and Mr. Lucey for the subcommittee to meet. | Chinique Lewis |
| TWC’s foster youth initiative with VR |  Ms. Peden will check with Erin Wilder to see how they’re partnering with DFPS | Claudia Peden |